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Hauge, Stephanie A.

From: Haugen, Shelley K.
Sent: Monday, January 14, 2019 8:47 AM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 4
Attachments: image003.emz

Shelley Haugen
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From: staff <staff@ndwater.net>
Sent: Friday, January 11, 2019 4:16 PM
Subject: Legislative Report No. 4

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North Dakota Water Users

January 11, 2019 No.4

Legislative Report

As of this morning, more than 600 bills and resolutions have been introduced. This coming Monday marks the final day for representatives to introduce bills, so it is anticipated a number of new bills will drop early next week. January 14 is also the day after which no more than three bills may be introduced by each senator. In addition, a Senate bill containing an appropriation clause may not be introduced after Monday.

Hearing Schedule (January 14 – January 18).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

I. This Week at the Legislature

HB 1013 was heard before the House Appropriations Government Operations Division Committee on Tuesday, January 8. This bill provides an appropriation for defraying the expenses of the commissioner of university and school lands; and to provide for distributions from permanent funds.

HB 1026 was heard before the House Agricultural Committee on Tuesday, January 8. This bill relates to mandatory training for soil conservation district supervisors.

SB 2040 was heard before the Senate Finance and taxation Committee on Wednesday, January 9. This bill excludes property owned by a political subdivision from consideration in protests against special improvement districts.

HB 1014 was heard before the House Appropriations Government Operations Division Committee on Thursday, January 10. This bill provides an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer.

SB 2020 was heard before the Senate Appropriations Committee on Thursday, January 10. This is the appropriations bill for the State Water Commission. Water project sponsors presented their recommendations during the hearing which included status of projects and funding needs for the upcoming biennium. State Engineer Garland Erbele and members of his staff gave an overview of water projects across the state on behalf of the State Water Commission. Members of the committee presented questions having to do with funding and carryover. Water project sponsors also presented their recommendations during the hearing which included status of projects and funding needs for the upcoming biennium. Governor Burgum testified on behalf of the F-M Area Diversion project.

HB 1087 was heard before the House Agricultural Committee on Thursday, January 10. This bill excludes agricultural dams two feet in height or less from requiring an application to be reviewed by the State Engineer.

SB 2095 was heard before the Senate Government and Veterans Affairs Committee on Thursday, January 10. This bill amends the process of expending funds from the disaster relief fund and requires quarterly reports detailing expenditures made from the appropriation.

SB 2109 was heard before the Senate Energy and Natural Resources Committee on Thursday, January 10. This bill creates and amends several sections in NDCC 23.1 regarding the duties and responsibilities of the department of environmental quality.

HB 1024 was heard before the House Appropriations Human Resources Division Committee on Thursday, January 10. This bill provides an appropriation for defraying the expenses of the department of environmental quality.

SB 2139 was heard before the Senate Political Subdivisions Committee on Thursday, January 10. This bill reinstates the ability of the State Water Commission to cost-share snagging and clearing operations.

HB 1020 was heard before the House Appropriations Education and Environment Division on Friday, January 11. This bill provides an appropriation for defraying the expenses of the North Dakota state university extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm.

SCR 4001 was heard before the House Appropriations Committee on Thursday, January 10. This bill amends the process for approving constitutional amendments.

SB 2091 was heard before the Senate Energy and Natural Resources Committee on Friday, January 11. This bill no longer allows permissible structures within a flood fringe to be constructed on fill.

SB 2090 was heard before the Senate Energy and Natural Resources Committee on Friday, January 11. This bill exempts reuse of fossil byproduct water from requiring a water permit, clarifies that a legal interest in the point of diversion or place of use for irrigation water is required, and puts into statute the long-standing practice of having a 30-day comment period on water permit applications. It also increases the costs. All new water permit applications increased from \$200 to \$500, industrial permits are now \$1,000, and amendments are raised to \$100. The \$250 under 2,500 population break will also go away.

019 Water Day

Mark your calendars for Water Day on February 12! The North Dakota Water Coalition and the North Dakota Rural Water Systems Association are hosting a social for all North Dakota legislators **Tuesday, February 12** from **5:00 p.m. – 6:00 p.m.** at the **Ramkota Hotel** in conjunction with Water Day at the Legislature. We urge you to take this opportunity to help us host and to discuss our water needs with our legislators.

III. 2019 Legislative Deadlines and Dates

Date	Topic
January 14	Deadline for representatives to introduce bills
January 21	Deadline for senators to introduce bills
February 12	Rural Water/North Dakota Water Coalition Legislative Social
February 22	Crossover for bills
February 25-26	Recess
March 6	Crossover for resolutions
April 23	Session is limited to 80 legislative days

IV. HEARING SCHEDULE: January 14-18 2019

Date and Time	Bill Number	Short Title	Committee	Room
01/15/2019 8:30 AM	<u>HB 1013</u>	A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; and to provide for distributions from permanent funds.	House Appropriations – Government Operations Division	Medora
01/15/2019 09:00 AM	<u>SCR 4005</u>	Relating to use of the principal and earnings of the legacy fund to create the North Dakota first fund for the purpose of funding permanent infrastructure projects.	Senate Finance and Taxation	Lewis and Clark
01/15/2019 10:00 AM	<u>HB 1066</u>	Relating to infrastructure funds; to amend and reenact subsection 5 of section 57-51-01 and sections 57-51-15, 57-51.1-07.3, and 57-51.1-07.5 of the North Dakota Century Code, relating to oil and gas tax revenue allocations; to provide a continuing appropriation; to provide for a report; and to provide an effective date.	House Finance and Taxation	Fort Totten
01/16/2019 8:30 AM	<u>HB 1014</u>	A BILL for an Act to provide for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer.	House Appropriations – Government Operations Division	Medora
01/16/2019 2:00 PM	<u>HB 1014</u>	A BILL for an Act to provide for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial	House Appropriations – Government Operations Division	Medora

		commission; and to provide for a transfer.		
01/17/2019 9:00 AM	<u>HB 1356</u>	Relating to bids, plans, and specifications for public improvements and bond thresholds.	House Political Subdivisions	Prairie
01/17/2019 9:00 AM	<u>SB 2166</u>	Relating to increasing liability limits for political subdivisions.	Senate Political Subdivisions	Red River
01/18/2019 09:00 AM	<u>SB 2044</u>	Relating to tampering with or damaging a critical infrastructure facility or a public service; and to provide a penalty.	Senate Energy and Natural Resources	Fort Lincoln
01/18/2019 10:00 AM	<u>SB 2174</u>	Relating to the election, appointment, terms, and number of water resource board managers.	Senate Energy and Natural Resources	Fort Lincoln
01/18/2019 10:30 AM	<u>HB 1086</u>	Relating to waters of the state. This bill modernizes references to water of which the State Engineer has jurisdiction.	House Agriculture	Peace Garden

VII. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1013</u>	Appropriation for Defraying Expenses of the Commissioner of School Lands		
<u>HB 1014</u>	Appropriation for Defraying the Expenses of the Industrial Commission		
<u>HB 1020</u>	Appropriation for NDSU		
<u>HB 1024</u>	Appropriation for Defraying Expenses of the Department of Environmental Quality		
<u>HB 1026</u>	Soil Conservation District Manager Training	PASSED	
<u>HB 1067</u>	Municipal Bid Requirements	PASSED	
<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	
<u>HB 1086</u>	Waters of the State		
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device		
<u>HB 1356</u>			
<u>SB 2020</u>	Appropriation for Defraying the Expenses of the State Water Commission		

<u>SB 2040</u>	Political Subdivision Property Exclusion from Protests Against Special Improvement Districts		
<u>SB 2037</u>	Disposal and Transportation of High-Level Radioactive Waste		
<u>SB 2090</u>	Permits for the Appropriation of Water		
<u>SB 2091</u>	Floodplain Management Community Standards		
<u>SB 2095</u>	Expending Funds from the Disaster Relief Fund		
<u>SB 2109</u>	Duties and Responsibilities of the Department of Environmental Quality		
<u>SB 2139</u>	Snagging and Clearing		
<u>SB 2166</u>	Increased Liability Limits for Political Subdivisions		
<u>SCR 4001</u>	Process of Approving Constitutional Amendments		

VIII. Appropriations Committees Adopt Revenue Numbers

The Senate and House Appropriations Committees convened Monday morning in a joint meeting to hear the legislative revenue forecast for four major tax types (sales and use, motor vehicle excise, individual income, and corporate income) presented by IHS Market. The legislative forecast for the 2019-21 biennium was \$141 million lower than the executive forecast. This is the first session the legislature has hired its own firm to complete a revenue forecast, as this is also a responsibility of the executive branch.

On Wednesday, the Appropriations Committees adopted the revenue numbers they will be utilizing to pass appropriations bills and manage the budget in the coming weeks. Legislators adopted 2019-21 general fund revenues of \$4.17 billion, down slightly from the executive forecast of \$4.24 billion. Both the executive and legislative revenue forecasts will be updated in March.

Because the legislature is using a \$42.50 oil forecast, instead of the Governor's \$46.00 forecast, it has a marked effect on the Resources Trust Fund. The previous revenue projections for water funding totaled \$403M for the 2019-2021 biennium, the legislative revenue forecast will drop that by \$50M.

Budget information for the 2019-21 biennium is posted on the legislative website.

IX. SCR 4005

SCR 4005 is an important concept that could provide more funding to water projects throughout the state. This measure would create a North Dakota infrastructure fund to be known as the North Dakota first fund to be administered by the North Dakota infrastructure board. The fund would serve as a grant and low-interest revolving loan fund from the principal and earnings of the legacy fund and would provide a procedure for political subdivisions to access grants and low-interest loans for permanent infrastructure projects. It is incredibly important that the water community shows support for this resolution this session.

The full bill text can be found [here](#).

~~Sen. Doug Burgum~~ **Doug Burgum**

From: Haugen, Shelley K.
Sent: Monday, March 25, 2019 9:26 AM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 14

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From: ND Water Info <staff@ndwater.net>
Sent: Friday, March 22, 2019 4:44 PM
Subject: Legislative Report No. 14

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— North Dakota Water Users — March 22, 2019 No. 14

Legislative Report

The deadline for rereferral of policy bills with fiscal impact to Appropriations Committees is Tuesday, March 26. Most policy committees have finished hearing assigned bills and will spend most of next week in committee work.

Conference committees to reconcile differences between bills that have passed both chambers are beginning. Conference committees will be meeting through the remainder of the session to coordinate bill language so both the House and Senate can adopt identical language. The conference committees are generally made up of three members of each committee that heard the bill and can be arranged with as little as 15 minutes notice. These committee meetings can sometimes be another chance to influence policy outcomes.

Don't Endure

Contact Legislators!

The Water Users Association has initiated an **Action Alert** to support SB 2275. This bill will create a low-interest, long-term revolving loan fund for Water infrastructure investments. The bill has already passed the Senate. In order for this important bill to pass the House, you should contact Representatives to urge support for the measure which would create a \$450 million loan program to support critical infrastructure, major flood control and regional water supply with loans at 2% interest for up to forty years.

Please call or write you legislators requesting support for this bill!

Hearing Schedule (March 25 – March 29).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

I. This Week at the Legislature

HB 1362 passed the Senate floor with a vote of 46-0 on Thursday, March 21. This bill allows a utility to cross over or under the railroad right of way for the placement of facilities.

HB 1431 was heard before the Senate Political Subdivisions Committee on Thursday, March 21. This bill removes Mandan from SW Water Authority's mill levy.

SB 2213 failed the House with a vote of 27-65 on Tuesday, March 19. This bill would have extended the SWWA one mill levy until 2030.

HB 1192 passed the Senate floor with a vote of 39-6 on Wednesday, March 20. This bill defines adds a definition of ordinary high-water mark to N.D.C.C. ch. 61-33.1 and adds a section requiring the State Engineer maintain ordinary high-water mark delineation guidelines as provided.

SB 2020 is the budget appropriation for the State Water Commission. The Education and Environment Division of the House Appropriations Committee spent much of its committee time on Thursday and Friday reviewing the provisions of the bill as adopted by the Senate. The subcommittee reviewed projects, programs and capital assets. Clarification on water projects was gained from the SWC staff, and representatives of the Fargo Moorhead Diversion, Mouse River Flood Protection Plan, Red River Water Supply Project, League of Cities and Rural Water. The committee is gathering information and no action was taken.

SB 2090 passed the House with a vote of 78-7 on Friday, March 22. This bill exempts reuse of fossil byproduct water from requiring a water permit, clarifies that a legal interest in the point of diversion or place of use for irrigation water is required, and puts into statute the long-standing practice of having a 30-day comment period on water permit applications. It also increases the costs. All new water permit applications increased from \$200 to \$500,

industrial permits are now \$1,000, and amendments are raised to \$100. The \$250 under 2,500 population break will also go away.

SB 2275 received a 15-3 Do Not Pass recommendation from the House Appropriations Committee, however water leaders are hoping to convince the full House of Representatives to adopt the bill. This bill will create a low-interest, long-term revolving loan fund for water infrastructure investments. We are encouraged that cities, counties, general contractors, and transportation advocates support the Infrastructure Revolving Loan Fund and will work together to secure passage of SB 2275 or if unsuccessful to jointly look for options to create an Infrastructure Revolving Loan Fund in another bill.

SB 2293 received a 14-0 Do Pass recommendation from the House Energy and Natural Resources Committee and referred the bill to the Appropriations Committee. The bill creates a \$3 surcharge on fishing licenses and a \$15 per boat "sticker" to finance an Aquatic Nuisance Species fund for programming, facilities and two Game and Fish Department staff for ANS inspection, monitoring, and education.

SB 2342 passed the House with a vote of 60-25 on Friday, March 22. This bill sets noise restrictions of 88 decibels for no more than 10 minutes on the operation of watercraft during the hours of 12am-5am.

II. Bills Affecting Landowners

SB 2360 passed the House with a vote of 74-18 on Monday, March 18. This bill changes the definition of farm income from net to gross income for purposes of qualification for the farm home property tax exemption. The bill adopts the IRS definition of a farmer, which is two-thirds or more of annual gross income from farming activities during any of the two preceding calendar years. The bill also removes the present \$40,000 cap for allowable off-farm income.

HB 1020 was heard before the Senate Appropriations Committee on Wednesday, March 20. This bill is the budget for the NDSU Research and Extension. House action resulted in a 6% decrease from the 2017-19 base level funding for the main station. This is following a 13% cut in 2017-19 biennium. Extension held even with the 2017-19 funding level. Funding for SBARE priorities include one-time funding of \$1.4 million from the strategic investment and improvements fund for extraordinary repairs and \$750,000 for the Williston seed cleaning plant, including \$250,000 from the general fund and \$500,000 from other funds.

SB 2315 was heard before the House Agriculture Committee on Thursday, March 21. This bill reverses the presumption that all land is considered open to trespass and requires people to seek permission to access private property, except for hunting, where designations of open or closed will be indicated on an electric database. This bill also allows traditional signs to be used if landowners prefer them. The bill establishes an advisory group of landowners and sportsmen to manage the development of the land database.

SB 2344 was heard before the House Energy and Natural Resources Committee on Thursday, March 21. This bill is intended to clarify that underground injection for CO2 or natural gas

storage, enhanced oil recovery, and saltwater disposal do not constitute a "damage" to pore space. The bill is considered by many landowners to be a "taking" of landowners property. The House Energy and Natural Resources Committee gave it a 10-2 do pass recommendation on March 21.

III. 2019 Legislative Deadlines and Dates

May 2 Session is limited to 80 legislative days

IV. HEARING SCHEDULE: March 25 - March 29, 2019

Date and Time	Bill Number	Short Title	Committee	Room
03/26/2019 9:00 AM	<u>SB 2020</u>	Committee Work – State Water Commission Relating to the authorization of a Bank of North Dakota line of credit; to provide for Red River valley water supply requirements; to provide an exemption; to provide for a report to the legislative management; and to provide a statement of legislative intent.	House Appropriations – Education and Environment Division	Roughrider
03/26/2019 9:00 AM	<u>HB 1290</u>	Relating to prohibiting entry onto private land without permission.	Senate Judiciary	Pioneer
03/28/2019 3:45 PM	<u>HB 1521</u>	Relating to reporting campaign contributions and expenditures, restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota; to amend and reenact section 16.1-08.1-01, subsection 4 of section 16.1-08.1-02.1, sections 16.1-08.1-02.3, 16.1-08.1-02.4, 16.1-08.1-03.1, 16.1-08.1-04.1, 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, 28-32-08, 28-32-08.1, 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, and 28-32-18.1, subsections 2 and 4 of section 28-32-19, and sections 28-	Ethics	Pioneer

	32-27, 28-32-47, 28-32-48, and 28-32-49 of the North Dakota Century Code, relating to rulemaking procedures, disqualification of agency heads in quasi-judicial proceedings, implementing article XIV of the Constitution of North Dakota, and requirements for the North Dakota ethics commission; to provide for a penalty; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.		
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V. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1066</u>	"Project Prairie Dog"	PASSED	PASSED
<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
<u>HB 1136</u>	Bid Requirements for Public Improvements	PASSED	PASSED
<u>HB 1173</u>	Appeals to Local Government Cost	PASSED	
<u>HB 1192</u>	Ordinary High Water Marks	PASSED	PASSED
<u>HB 1207</u>	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	
<u>HB 1302</u>	Sale of Property Acquired by Eminent Domain	PASSED	
<u>HB 1320</u>	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
<u>HB 1356</u>	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	
<u>HB 1362</u>	Railroad Right of Way Utility Applications	PASSED	PASSED
<u>HB 1431</u>	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	
<u>HB 1521</u>	Reporting Campaign Contributions	PASSED	
<u>SB 2020</u>	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
<u>SB 2044</u>	Damaging Critical Infrastructure Penalty		PASSED
<u>SB 2090</u>	Permits for the Appropriation of Water	PASSED	PASSED
<u>SB 2091</u>	Floodplain Management Community Standards	PASSED	PASSED
<u>SB 2139</u>	Snagging and Clearing		PASSED
<u>SB 2148</u>	Measure 1 Lobbyist Bill		PASSED

<u>SB 2213</u>	SW Water Authority Permanent Mill Levy	FAILED	PASSED
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund		PASSED
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		PASSED
<u>SB 2295</u>	Limiting Creation of Irrigation Districts	PASSED	PASSED
<u>SB 2342</u>	Noise Restrictions on Watercraft	PASSED	PASSED
<u>SB 2358</u>	Definition of a Watercourse		PASSED
<u>SCR 4009</u>	Joint Water Resource Board Study	PASSED	PASSED

~~Shelley Haugen~~ **Doug Burgum**

From: Haugen, Shelley K.
Sent: Monday, March 11, 2019 8:36 AM
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Subject: FW: Legislative Report No. 12

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From: ND Water Info <staff@ndwater.net>
Sent: Friday, March 08, 2019 5:15 PM
Subject: Legislative Report No. 12

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— North Dakota Water Users — March 8, 2019 No. 12

Legislative Report

Hearing Schedule (March 11 – March 15).

There are not hearings of bills scheduled for bill being tracked by the North Dakota Water Users Association.

I. This Week at the Legislature

SB 2362 was introduced as a delayed bill yesterday, March 7. The bill would address the interpretation issues of how oil and gas extraction tax revenues generated on the Fort Berthold Indian Reservation are deposited into the Resources Trust Fund, the Common Schools Trust Fund

Don't forget

and the Foundation Aid Stabilization Fund. The bill stipulates that 20% of all the extraction tax collected in the state would be transferred to the Resources Trust Fund upon passage of the bill, which has an emergency clause. The bill has no reference to restoring funds that may not have been deposited under a different interpretation over the past decade.

HB 1066 was heard before the Senate Finance and taxation committee on Tuesday, March 5- the Water Coalition support this bill, widely known as the "Project Prairie Dog" which revises the formula for the distribution of the gross production tax on oil and gas in a way that will fund Hub Cities and other oil-impacted communities in the 2019-2021 biennium at approximately the same rate as the current biennium. It would also establish "buckets" for non-oil producing cities, counties and townships to support infrastructure needs.

HB 1136 passed the Senate with a vote of 42-0 on Friday, March 8. It was heard before the Senate Industry, Business and Labor committee on Wednesday, March 6. This bill allows a governing body to award a contract for each portion of the public improvement project that received bids and readvise for bids on the portion of the project that did not receive bids if a bid for general, electrical, or mechanical portions of a public improvement project are not received.

HB 1192 was heard before the Senate Energy and Natural Resources committee on Thursday, March 7. This bill defines adds a definition of ordinary high water mark to N.D.C.C. ch. 61-33.1 and adds a section requiring the State Engineer maintain ordinary high water mark delineation guidelines as provided.

HB 1207 awards reasonable costs awarded to defendants that prevail in eminent domain cases. The bill was heard before the Senate Judiciary committee on Tuesday, March 5.

SB 2020 On March 7 and 8, the Education and Environment Division of the House Appropriations Committee - held nearly a day-and-a-half long hearing on Senate Bill 2020, the State Water Commission budget appropriation. Governor Burgum appeared and requested flexibility in the appropriation for water project funding when he introduced the SWC Budget.

On behalf of the Water Users Association and the Water Coalition, Alan Walter requested financial support for water projects across the State and requested that the Legislature:

- Fund State Water Commission administrative operations from the State General Fund
- Not reduce or divert the 20 percent of oil and gas extraction taxes from the Resources Trust Fund which supports water projects and infrastructure
- Consider credit options using Legacy Fund earnings to finance the completion of state water infrastructure

Throughout Thursday, the appropriators heard reports and requests for funding help with major flood control for Souris River Flood Protection, Lower Heart River Levy Recertification, Sheyenne River Flood Protection and it heard extended testimony in support and in opposition to the Fargo-Moorhead Area Diversion Project. The committee took testimony in support water supply grants with dedicated funding for rural water supply, and a continued commitment of funding for municipalities' water infrastructure, Western Area Water Supply, and Red River Valley Water Supply. The City of Devils Lake asked for consideration of the Lake Agassiz Water Authority to route water supply pipelines to the Sheyenne River upstream of the city.

The committee members received updates from the Southwest Pipeline Project and the Northwest Area Water Supply State and a request to invest in these state-owned capital assets. Water Resource Districts and irrigation representatives made a case for the continuation of the dedicated General Water Management funding that the Senate had proposed. The legislators also heard from several supporters of cloud modification and the weather monitoring efforts of the atmospheric resource board.

Friday's continued hearing focused almost entirely on the Fargo Moorhead Diversion Project, with questions from the committee about federal and local funding, finance cost, the private partnership proposal and progress on the interior flood control. Committee work on the bill is expected to continue throughout March.

SB 2044 was heard before the House Energy and Natural Resources committee on Thursday, March 7. This bill provides penalties for tampering with critical infrastructure and defines critical infrastructure facility.

SB 2213 was heard before the House Political Subdivisions committee on Thursday, March 7. This bill extends the sunset clause for the SWWA mill levy until 2030. Alan Walter testified on behalf of the NDWUA.

SB 2293 was heard before the House Energy and Natural Resources committee on Friday, March 8. This bill creates funding mechanisms to support ANS programs through a \$3 surcharge on in state fishing licenses (excluding senior citizen and disabled licenses) and \$6 surcharge on out of state fishing waterfowl licenses. Mary Massad testified in support on behalf of the NDWUA.

SB 2295 was heard before the House Agriculture committee on Thursday, March 7. This bill limits the creation of irrigation districts, adds permit requirements for drainage projects and ensures drainage benefits provided by an irrigation district do not impact the authority of a water resource board.

SB 2342 was heard before the House Energy and Natural Resources committee on Thursday, March 7. This bill sets noise restrictions on the operation of airboat watercraft.

SB 2358 was heard before the House Energy and Natural Resources committee on Thursday, March 7. This bill would study adding a creek, river, or stream appearing in a plat book to the definition of a watercourse.

SCR 4009 was heard before the House Agriculture committee on Thursday, March 7. This bill would direct Legislative Management to consider studying the feasibility and desirability of the water resource boards in each drainage basin forming a joint water resource board to plan and construct water conveyance projects based on basin-wide needs.

II. 2019 Legislative Deadlines and Dates

May 2 Session is limited to 80 legislative days

1. The first part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.

2. The second part of the paper discusses the role of the government in the development of the United States. It is argued that the government has played a crucial role in the development of the country and that its actions have been guided by a set of principles that have been passed down from generation to generation.

3. The third part of the paper discusses the role of the individual in the development of the United States. It is argued that the individual has played a crucial role in the development of the country and that his actions have been guided by a set of principles that have been passed down from generation to generation.

4. The fourth part of the paper discusses the role of the future in the development of the United States. It is argued that the future is a time of great opportunity and that it is up to us to make the most of it.

5. The fifth part of the paper discusses the role of the past in the development of the United States. It is argued that the past is a time of great wisdom and that it is up to us to learn from it.

6. The sixth part of the paper discusses the role of the present in the development of the United States. It is argued that the present is a time of great challenge and that it is up to us to meet it.

7. The seventh part of the paper discusses the role of the future in the development of the United States. It is argued that the future is a time of great opportunity and that it is up to us to make the most of it.

8. The eighth part of the paper discusses the role of the past in the development of the United States. It is argued that the past is a time of great wisdom and that it is up to us to learn from it.

9. The ninth part of the paper discusses the role of the present in the development of the United States. It is argued that the present is a time of great challenge and that it is up to us to meet it.

10. The tenth part of the paper discusses the role of the future in the development of the United States. It is argued that the future is a time of great opportunity and that it is up to us to make the most of it.

11. The eleventh part of the paper discusses the role of the past in the development of the United States. It is argued that the past is a time of great wisdom and that it is up to us to learn from it.

12. The twelfth part of the paper discusses the role of the present in the development of the United States. It is argued that the present is a time of great challenge and that it is up to us to meet it.

13. The thirteenth part of the paper discusses the role of the future in the development of the United States. It is argued that the future is a time of great opportunity and that it is up to us to make the most of it.

III. HEARING SCHEDULE: March 11 - March 15, 2019

Date and Time	Bill Number	Short Title	Committee	Room
03/11/2019 3:00 PM	<u>HB 1066</u>	Relating to infrastructure funds; to amend and reenact subsection 5 of section 57-51-01 and sections 57-51-15, 57-51.1-07.3, and 57-51.1-07.5 of the North Dakota Century Code, relating to oil and gas tax revenue allocations; to provide a continuing appropriation; to provide for a report; and to provide an effective date.	Senate Appropriations	Harvest
03/12/2019 8:15 AM	<u>SB 2275</u>	Relating to the infrastructure revolving loan fund debt repayments; to amend and reenact sections 6-09-49, 6-09.4-06, and 6-09.4-10, subsection 6 of section 21-03-07, and sections 21-03-19, 57-15-06.6, and 57-47-02 of the North Dakota Century Code, relating to the infrastructure revolving loan fund, borrowing and lending authority, reserve funds, and expanded bonding authority for counties; to repeal section 61-02-78 of the North Dakota Century Code, relating to a revolving loan fund for water projects; to provide a transfer; to provide a continuing appropriation; to provide a bond issuance limitation; and to provide an effective date.	House Appropriations	Roughrider
03/12/2019 2:15 PM	<u>SB 2148</u>	Relating to disclosures of expenditures, restrictions on public officials and lobbyists, investigations of ethics violations; and to the prohibition on personal use of campaign contributions and the rulemaking procedures and requirements for the ND ethics commission.	Ethics	Brynhild Haugland
03/12/2019 3:45 PM	<u>HB 1521</u>	Relating to reporting campaign contributions and expenditures, restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the	Ethics	Brynhild Haugland

1919	1918	1917	1916
1915	1914	1913	1912
1911	1910	1909	1908
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1879	1878	1877	1876
1875	1874	1873	1872
1871	1870	1869	1868
1867	1866	1865	1864

		Constitution of North Dakota; to amend and reenact section 16.1-08.1-01, subsection 4 of section 16.1-08.1-02.1, sections 16.1-08.1-02.3, 16.1-08.1-02.4, 16.1-08.1-03.1, 16.1-08.1-04.1, 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, 28-32-08, 28-32-08.1, 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, and 28-32-18.1, subsections 2 and 4 of section 28-32-19, and sections 28-32-27, 28-32-47, 28-32-48, and 28-32-49 of the North Dakota Century Code, relating to rulemaking procedures, disqualification of agency heads in quasi-judicial proceedings, implementing article XIV of the Constitution of North Dakota, and requirements for the North Dakota ethics commission; to provide for a penalty; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.		
03/13/2019 9:00 AM	<u>SB 2362</u>	Relating to the allocation of oil extraction tax; to provide an effective date; and to declare an emergency.	Senate Finance and Taxation	Lewis and Clark
03/13/2019 2:30 PM	<u>HB 1362</u>	Relating to the right of utilities to cross over or under a railroad right of way; and to provide for application.	Senate Industry, Business and Labor	Roosevelt Park
03/14/2019 10:45 AM	<u>HB 1356</u>	Relating to bids, plans, and specifications for public improvements and bond thresholds.	Senate Political Subdivisions	Red River
03/15/2019 8:30 AM	<u>HB 1302</u>	Relating to the sale of property acquired by eminent domain or acquired when the property was eligible for taking by eminent domain, but no longer needed for a public purpose.	Senate Political Subdivisions	Red River

IV. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1066</u>	"Project Prairie Dog"	PASSED	

<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
<u>HB 1136</u>	Bid Requirements for Public Improvements	PASSED	PASSED
<u>HB 1173</u>	Appeals to Local Government Cost	PASSED	
<u>HB 1192</u>	Ordinary High Water Marks	PASSED	
<u>HB 1207</u>	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	
<u>HB 1302</u>	Sale of Property Acquired by Eminent Domain	PASSED	
<u>HB 1320</u>	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
<u>HB 1356</u>	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	
<u>HB 1362</u>	Railroad Right of Way Utility Applications	PASSED	
<u>HB 1431</u>	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	
<u>HB 1521</u>	Reporting Campaign Contributions	PASSED	
<u>SB 2020</u>	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
<u>SB 2044</u>	Damaging Critical Infrastructure Penalty		PASSED
<u>SB 2090</u>	Permits for the Appropriation of Water		PASSED
<u>SB 2091</u>	Floodplain Management Community Standards	PASSED	PASSED
<u>SB 2139</u>	Snagging and Clearing		PASSED
<u>SB 2148</u>	Measure 1 Lobbyist Bill		PASSED
<u>SB 2213</u>	SW Water Authority Permanent Mill Levy		PASSED
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund		PASSED
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		PASSED
<u>SB 2295</u>	Limiting Creation of Irrigation Districts		PASSED
<u>SB 2342</u>	Noise Restrictions on Watercraft		PASSED
<u>SB 2358</u>	Definition of a Watercourse		PASSED
<u>SCR 4009</u>	Joint Water Resource Board Study		PASSED

Seay, Dawn L.

Doug Burgum

From: Haugen, Shelley K.
Sent: Friday, March 1, 2019 5:01 PM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 11

Shelley Haugen
Constituent Services

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From: ND Water Info <staff@ndwater.net>
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— North Dakota Water Users — March 1, 2019 No. 11

Legislative Report

Hearing Schedule (March 4 – March 8).

There are not hearings of bills scheduled for bill being tracked by the North Dakota Water Users Association.

I. This Week at the Legislature

HB 1085 passed the Senate with a vote of 45-0 on Wednesday, February 27. This bill amends the drought disaster livestock water assistance program to remove the \$3,500 funding limit and raises the limit to \$4,500 to address increased costs.

Don Burdum

HB 1087 passed the Senate with a vote of 44-1 on Wednesday, February 27. This bill excludes agricultural dikes two feet in height or less from requiring a PE to submit plans and specs be reviewed by the State Engineer.

HB 1173 was heard before the Senate Judiciary Committee on Wednesday, February 27. This bill reduces the cost of appeals to local government.

HB 1320 was heard before the Senate Energy and Natural Resources Committee on Friday, March 1. This bill removes voter approval requirements for some RRVWS projects and allows contract terms to exceed forty years.

SB 2090 was heard before the House Energy and Natural Resources Committee on Thursday, February 28. This bill exempts reuse of fossil byproduct water from requiring a water permit, clarifies that a legal interest in the point of diversion or place of use for irrigation water is required, and puts into statute the long-standing practice of having a 30-day comment period on water permit applications. It also increases the costs. All new water permit applications increased from \$200 to \$500, industrial permits are now \$1,000, and amendments are raised to \$100. The \$250 under 2,500 population break will also go away.

SB 2091 passed the House with a vote of 86-0 on Friday, March 1. This bill was heard before the House Energy and Natural Resources Committee on Thursday, February 28. This bill allows permissible structures within a flood fringe to be constructed on piers or columns, or other methods allowed by FEMA.

SB 2139 was heard before the House Energy and Natural Resources Committee on Friday, March 1. This bill reinstates the ability of the State Water Commission to cost-share snagging and clearing operations in natural waterways. Jack Dwyer, Gary Thompson and Dennis Reep testified in support of this bill on behalf of the NDWRDA. Other members of water resource districts and several other associations also testified in support of this bill.

II. 2019 Legislative Deadlines and Dates

March 8 Crossover for resolutions
May 2 Session is limited to 80 legislative days

III. HEARING SCHEDULE: March 4 - March 8, 2019

Date and Time	Bill Number	Short Title	Committee	Room
03/05/2019 9:00 AM	<u>HB 1066</u>	Relating to infrastructure funds, relating to oil and gas tax revenue allocations; to provide a continuing appropriation; to	Senate Finance and Taxation	Fort Lincoln

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AND ARCHITECTURE

		provide for a report; and to provide an effective date.		
03/05/2019 10:30 AM	<u>HB 1207</u>	Relating to costs awarded to a defendant.	Senate Judiciary	Fort Lincoln
03/06/2019 9:30 AM	<u>HB 1136</u>	Relating to bid requirements for public improvements.	Senate Industry, Business, and Labor	Roosevelt Park
03/07/2019 8:30 AM	<u>SB 2020</u>	Relating to the authorization of a Bank of North Dakota line of credit; to provide for Red River valley water supply requirements; to provide an exemption; to provide for a report to the legislative management; and to provide a statement of legislative intent.	House Appropriations – Education and Environment Division	Roughrider
03/07/2019 9:00 AM	<u>SB 2213</u>	Relating to the southwest water authority and district budget tax levies.	House Political Subdivisions	Prairie
03/07/2019 9:00 AM	<u>SB 2342</u>	Relating to regulation of airboats to prevent excessive noise; and to provide a penalty.	House Energy and Natural Resources	Coteau A
03/07/2019 9:00 AM	<u>SCR 4009</u>	A resolution directing Legislative Management to consider studying the feasibility and desirability of the water resource boards in each drainage basin forming a joint water resource board to plan and construct water conveyance projects based on basinwide needs.	House Agriculture	Peace Garden
03/07/2019 9:00 AM	<u>HB 1192</u>	A bill relating to defining and delineating the ordinary high water mark of a navigable body of water; relating to the definition and determination of ordinary high water mark; and to provide for an application.	Senate Energy and Natural Resources	Fort Lincoln
03/07/2019 9:30 AM	<u>SB 2295</u>	Relating to permitting an irrigation district to assess lands requiring drainage as a result of irrigation works.	House Agriculture	Peace Garden

03/07/2019 10:30 AM	<u>SB 2044</u>	Relating to tampering with or damaging a critical infrastructure facility or a public service; and to provide a penalty.	House Energy and Natural Resources	Coteau A
03/07/2019 2:00 PM	<u>SB 2358</u>	Relating to the definition of a watercourse.	House Energy and Natural Resources	Coteau A
03/08/2019 2:00 PM	<u>SB 2293</u>	Relating to the creation of the aquatic nuisance species program fund and surcharges for fishing and waterfowl licenses; to amend and reenact section 20.1-02-16.1 of the North Dakota Century Code, relating to the investment of the state game and fish fund; and to provide a continuing appropriation.	House Energy and Natural Resources	Coteau A

IV. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1066</u>	"Prairie Dog Bill"	PASSED	
<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
<u>HB 1136</u>	Bid Requirements for Public Improvements	PASSED	
<u>HB 1173</u>	Appeals to Local Government Cost	PASSED	
<u>HB 1192</u>	Ordinary High Water Marks	PASSED	
<u>HB 1207</u>	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	
<u>HB 1302</u>	Sale of Property Acquired by Eminent Domain	PASSED	
<u>HB 1320</u>	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
<u>HB 1356</u>	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	
<u>HB 1362</u>	Railroad Right of Way Utility Applications	PASSED	
<u>HB 1431</u>	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	
<u>HB 1521</u>	Reporting Campaign Contributions	PASSED	
<u>SB 2020</u>	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
<u>SB 2044</u>	Damaging Critical Infrastructure Penalty		PASSED
<u>SB 2090</u>	Permits for the Appropriation of Water		PASSED

<u>SB 2091</u>	Floodplain Management Community Standards	PASSED	PASSED
<u>SB 2139</u>	Snagging and Clearing		PASSED
<u>SB 2148</u>	Measure 1 Lobbyist Bill		PASSED
<u>SB 2213</u>	SW Water Authority Permanent Mill Levy		PASSED
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund		PASSED
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		PASSED
<u>SB 2295</u>	Limiting Creation of Irrigation Districts		PASSED
<u>SB 2342</u>	Noise Restrictions on Watercraft		PASSED
<u>SB 2358</u>	Definition of a Watercourse		PASSED
<u>SCR 4009</u>	Joint Water Resource Board Study		PASSED

~~Seay, Dawn~~ **Doug Burgum**

From: Haugen, Shelley K.
Sent: Monday, January 14, 2019 8:47 AM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 4
Attachments: image003.emz

Shelley Haugen
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From: staff <staff@ndwater.net>
Sent: Friday, January 11, 2019 4:16 PM
Subject: Legislative Report No. 4

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North Dakota Water Users

January 11, 2019 No.4

Legislative Report

As of this morning, more than 600 bills and resolutions have been introduced. This coming Monday marks the final day for representatives to introduce bills, so it is anticipated a number of new bills will drop early next week. January 14 is also the day after which no more than three bills may be introduced by each senator. In addition, a Senate bill containing an appropriation clause may not be introduced after Monday.

Hearing Schedule (January 14 – January 18).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

Don't Budge

I. This Week at the Legislature

HB 1013 was heard before the House Appropriations Government Operations Division Committee on Tuesday, January 8. This bill provides an appropriation for defraying the expenses of the commissioner of university and school lands; and to provide for distributions from permanent funds.

HB 1026 was heard before the House Agricultural Committee on Tuesday, January 8. This bill relates to mandatory training for soil conservation district supervisors.

SB 2040 was heard before the Senate Finance and taxation Committee on Wednesday, January 9. This bill excludes property owned by a political subdivision from consideration in protests against special improvement districts.

HB 1014 was heard before the House Appropriations Government Operations Division Committee on Thursday, January 10. This bill provides an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer.

SB 2020 was heard before the Senate Appropriations Committee on Thursday, January 10. This is the appropriations bill for the State Water Commission. Water project sponsors presented their recommendations during the hearing which included status of projects and funding needs for the upcoming biennium. State Engineer Garland Erbele and members of his staff gave an overview of water projects across the state on behalf of the State Water Commission. Members of the committee presented questions having to do with funding and carryover. Water project sponsors also presented their recommendations during the hearing which included status of projects and funding needs for the upcoming biennium. Governor Burgum testified on behalf of the F-M Area Diversion project.

HB 1087 was heard before the House Agricultural Committee on Thursday, January 10. This bill excludes agricultural dams two feet in height or less from requiring an application to be reviewed by the State Engineer.

SB 2095 was heard before the Senate Government and Veterans Affairs Committee on Thursday, January 10. This bill amends the process of expending funds from the disaster relief fund and requires quarterly reports detailing expenditures made from the appropriation.

SB 2109 was heard before the Senate Energy and Natural Resources Committee on Thursday, January 10. This bill creates and amends several sections in NDCC 23.1 regarding the duties and responsibilities of the department of environmental quality.

HB 1024 was heard before the House Appropriations Human Resources Division Committee on Thursday, January 10. This bill provides an appropriation for defraying the expenses of the department of environmental quality.

1. The first part of the report deals with the general situation of the country and the progress of the work during the year.

2. The second part of the report deals with the results of the work during the year and the progress of the work during the year.

3. The third part of the report deals with the results of the work during the year and the progress of the work during the year.

4. The fourth part of the report deals with the results of the work during the year and the progress of the work during the year.

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7. The seventh part of the report deals with the results of the work during the year and the progress of the work during the year.

8. The eighth part of the report deals with the results of the work during the year and the progress of the work during the year.

9. The ninth part of the report deals with the results of the work during the year and the progress of the work during the year.

10. The tenth part of the report deals with the results of the work during the year and the progress of the work during the year.

SB 2139 was heard before the Senate Political Subdivisions Committee on Thursday, January 10. This bill reinstates the ability of the State Water Commission to cost-share snagging and clearing operations.

HB 1020 was heard before the House Appropriations Education and Environment Division on Friday, January 11. This bill provides an appropriation for defraying the expenses of the North Dakota state university extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm.

SCR 4001 was heard before the House Appropriations Committee on Thursday, January 10. This bill amends the process for approving constitutional amendments.

SB 2091 was heard before the Senate Energy and Natural Resources Committee on Friday, January 11. This bill no longer allows permissible structures within a flood fringe to be constructed on fill.

SB 2090 was heard before the Senate Energy and Natural Resources Committee on Friday, January 11. This bill exempts reuse of fossil byproduct water from requiring a water permit, clarifies that a legal interest in the point of diversion or place of use for irrigation water is required, and puts into statute the long-standing practice of having a 30-day comment period on water permit applications. It also increases the costs. All new water permit applications increased from \$200 to \$500, industrial permits are now \$1,000, and amendments are raised to \$100. The \$250 under 2,500 population break will also go away.

019 Water Day

Mark your calendars for Water Day on February 12! The North Dakota Water Coalition and the North Dakota Rural Water Systems Association are hosting a social for all North Dakota legislators **Tuesday, February 12 from 5:00 p.m. – 6:00 p.m.** at the **Ramkota Hotel** in conjunction with Water Day at the Legislature. We urge you to take this opportunity to help us host and to discuss our water needs with our legislators.

III. 2019 Legislative Deadlines and Dates

Date	Topic
January 14	Deadline for representatives to introduce bills
January 21	Deadline for senators to introduce bills
February 12	Rural Water/North Dakota Water Coalition Legislative Social
February 22	Crossover for bills
February 25-26	Recess
March 6	Crossover for resolutions
April 23	Session is limited to 80 legislative days

IV. HEARING SCHEDULE: January 14-18 2019

Date and Time	Bill Number	Short Title	Committee	Room
01/15/2019 8:30 AM	<u>HB 1013</u>	A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; and to provide for distributions from permanent funds.	House Appropriations – Government Operations Division	Medora
01/15/2019 09:00 AM	<u>SCR 4005</u>	Relating to use of the principal and earnings of the legacy fund to create the North Dakota first fund for the purpose of funding permanent infrastructure projects.	Senate Finance and Taxation	Lewis and Clark
01/15/2019 10:00 AM	<u>HB 1066</u>	Relating to infrastructure funds; to amend and reenact subsection 5 of section 57-51-01 and sections 57-51-15, 57-51.1-07.3, and 57-51.1-07.5 of the North Dakota Century Code, relating to oil and gas tax revenue allocations; to provide a continuing appropriation; to provide for a report; and to provide an effective date.	House Finance and Taxation	Fort Totten
01/16/2019 8:30 AM	<u>HB 1014</u>	A BILL for an Act to provide for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer.	House Appropriations – Government Operations Division	Medora
01/16/2019 2:00 PM	<u>HB 1014</u>	A BILL for an Act to provide for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial	House Appropriations – Government Operations Division	Medora

		commission; and to provide for a transfer.		
01/17/2019 9:00 AM	<u>HB 1356</u>	Relating to bids, plans, and specifications for public improvements and bond thresholds.	House Political Subdivisions	Prairie
01/17/2019 9:00 AM	<u>SB 2166</u>	Relating to increasing liability limits for political subdivisions.	Senate Political Subdivisions	Red River
01/18/2019 09:00 AM	<u>SB 2044</u>	Relating to tampering with or damaging a critical infrastructure facility or a public service; and to provide a penalty.	Senate Energy and Natural Resources	Fort Lincoln
01/18/2019 10:00 AM	<u>SB 2174</u>	Relating to the election, appointment, terms, and number of water resource board managers.	Senate Energy and Natural Resources	Fort Lincoln
01/18/2019 10:30 AM	<u>HB 1086</u>	Relating to waters of the state. This bill modernizes references to water of which the State Engineer has jurisdiction.	House Agriculture	Peace Garden

VII. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1013</u>	Appropriation for Defraying Expenses of the Commissioner of School Lands		
<u>HB 1014</u>	Appropriation for Defraying the Expenses of the Industrial Commission		
<u>HB 1020</u>	Appropriation for NDSU		
<u>HB 1024</u>	Appropriation for Defraying Expenses of the Department of Environmental Quality		
<u>HB 1026</u>	Soil Conservation District Manager Training	PASSED	
<u>HB 1067</u>	Municipal Bid Requirements	PASSED	
<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	
<u>HB 1086</u>	Waters of the State		
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device		
<u>HB 1356</u>			
<u>SB 2020</u>	Appropriation for Defraying the Expenses of the State Water Commission		

<u>SB 2040</u>	Political Subdivision Property Exclusion from Protests Against Special Improvement Districts		
<u>SB 2037</u>	Disposal and Transportation of High-Level Radioactive Waste		
<u>SB 2090</u>	Permits for the Appropriation of Water		
<u>SB 2091</u>	Floodplain Management Community Standards		
<u>SB 2095</u>	Expending Funds from the Disaster Relief Fund		
<u>SB 2109</u>	Duties and Responsibilities of the Department of Environmental Quality		
<u>SB 2139</u>	Snagging and Clearing		
<u>SB 2166</u>	Increased Liability Limits for Political Subdivisions		
<u>SCR 4001</u>	Process of Approving Constitutional Amendments		

VIII. Appropriations Committees Adopt Revenue Numbers

The Senate and House Appropriations Committees convened Monday morning in a joint meeting to hear the legislative revenue forecast for four major tax types (sales and use, motor vehicle excise, individual income, and corporate income) presented by IHS Market. The legislative forecast for the 2019-21 biennium was \$141 million lower than the executive forecast. This is the first session the legislature has hired its own firm to complete a revenue forecast, as this is also a responsibility of the executive branch.

On Wednesday, the Appropriations Committees adopted the revenue numbers they will be utilizing to pass appropriations bills and manage the budget in the coming weeks. Legislators adopted 2019-21 general fund revenues of \$4.17 billion, down slightly from the executive forecast of \$4.24 billion. Both the executive and legislative revenue forecasts will be updated in March.

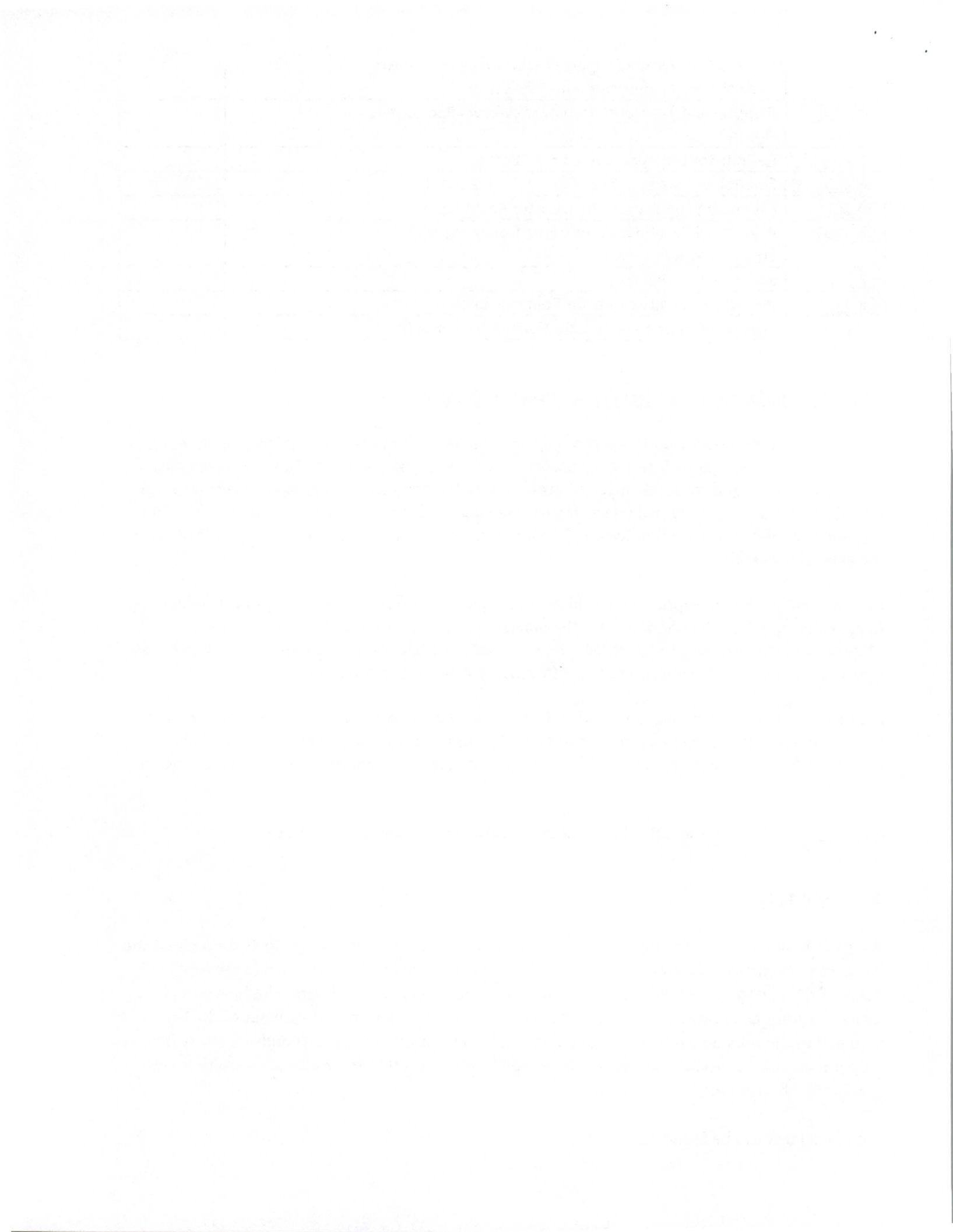
Because the legislature is using a \$42.50 oil forecast, instead of the Governor's \$46.00 forecast, it has a marked effect on the Resources Trust Fund. The previous revenue projections for water funding totaled \$403M for the 2019-2021 biennium, the legislative revenue forecast will drop that by \$50M.

Budget information for the 2019-21 biennium is posted on the legislative website.

IX. SCR 4005

SCR 4005 is an important concept that could provide more funding to water projects throughout the state. This measure would create a North Dakota infrastructure fund to be known as the North Dakota first fund to be administered by the North Dakota infrastructure board. The fund would serve as a grant and low-interest revolving loan fund from the principal and earnings of the legacy fund and would provide a procedure for political subdivisions to access grants and low-interest loans for permanent infrastructure projects. It is incredibly important that the water community shows support for this resolution this session.

The full bill text can be found [here](#).



~~_____~~ Doug Burgum

From: Haugen, Shelley K.
Sent: Monday, January 21, 2019 8:26 AM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 5
Attachments: image001.emz

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From: ND Water Info <staff@ndwater.net>
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Subject: Legislative Report No. 5

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— North Dakota Water Users — January 18, 2019 No.5

Legislative Report

This session has seen the most bills and resolutions introduced in 10 years.

Monday is the final day for senators to introduce bills, and Thursday is the deadline for introducing resolutions except amendments to the constitution and study resolutions.

Hearing Schedule (January 21 – January 25).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

I. This Week at the Legislature

~~CONFIDENTIAL~~
Doug Burdum

HB 1013 was heard before the House Appropriations – Government Operations Division Committee on Tuesday, January 15. This bill provides an appropriation for defraying the expenses of the commissioner of university and school lands; and to provide for distributions from permanent funds.

SCR 4005 was heard before the Senate Finance and Taxation Committee on Tuesday, January 15. This bill would create a North Dakota infrastructure fund to be known as the North Dakota first fund to be administered by the North Dakota infrastructure board. The fund would serve as a grant and low-interest revolving loan fund from the principal and earnings of the legacy fund and would provide a procedure for political subdivisions to access grants and low-interest loans for permanent infrastructure projects.

HB 1066 was heard before the House Finance and Taxation Committee on Tuesday, January 15. This bill is widely known as the “Prairie Dog Bill” and revises the formula for the distribution of the gross production tax on oil and gas in a way that will fund Hub Cities and other oil-impacted communities in the 2019-2021 biennium at approximately the same rate as the current biennium. It would also establish “buckets” for non-oil producing cities, counties and township to support infrastructure needs.

HB 1014 was heard before the House Appropriations – Government Operations Division Committee on Wednesday January 16. This bill provides for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer.

HB 1356 was heard before the House Political Subdivisions Committee on Thursday, January 17. This bill requires that the state and its political subdivisions may not engage in the construction of public works involving the practice of professional engineering when the contemplated expenditure for the project exceeds the sum of two hundred fifty thousand dollars, unless the engineering drawings and specifications and estimates have been prepared by, and the construction administration and construction observation services are executed under the supervision of, a registered professional engineer.

SB 2166 was heard before the Senate Political Subdivisions Committee on Thursday, January 17. This bill raises the total liability of political sub divisions from \$250K to \$1M per person and from \$1M to \$4M for any number of claims arising from any single occurrence regardless of the number of political subdivisions, or employees of such political subdivisions, which are involved in that occurrence.

SB 2044 was heard before the Senate Energy and Natural Resources Committee on Friday, January 18. This bill provides penalties for tampering with critical infrastructure and defines what a critical infrastructure facility is.

SB 2174 was heard before the Senate Energy and Natural Resources Committee on Friday, January 18. This bill requires elections for WRD board members and sets term limits.

HB 1086 was heard before the House Agriculture Committee on Friday, January 18. This bill excludes private and fossil byproduct water from eaters of the state and includes diffused surface waters and privately owned waters in non-contributing drainage areas.

HB 1243 was heard before the House Political Subdivisions Committee on Friday, January 18. This bill would require that all easements must be recorded within one hundred eighty days of creation of the easement to be valid. Easements are currently binding between the parties but not binding on parties who pay value for their interest and record that interest. Not recording easements in a certain timeframe should not determine

validity of the easement. NDCC § 47-19-41 already offers protection for a buyer if an easement is not recorded. The buyer is not bound to the easement if it is recorded without their consent.

II. 2019 Water Day

Mark your calendars for Water Day on February 12! The North Dakota Water Coalition and the North Dakota Rural Water Systems Association are hosting a breakfast and a social for all North Dakota legislators **Tuesday, February 12** from **8:00 a.m. – 9:00 a.m.** in the **Brynhild Haugland room** at the capitol and **5:00 p.m. – 6:00 p.m.** at the **Ramkota Hotel** in conjunction with Water Day at the Legislature. We urge you to take this opportunity to help us host and to discuss our water needs with our legislators.

III. 2019 Legislative Deadlines and Dates

January 21	Deadline for senators to introduce bills
February 12	Rural Water/North Dakota Water Coalition Legislative Social
February 22	Crossover for bills
February 25-26	Recess
March 6	Crossover for resolutions
April 23	Session is limited to 80 legislative days

IV. HEARING SCHEDULE: January 21-24, 2019

Date and Time	Bill Number	Short Title	Committee	Room
01/21/2019 9:30 AM	<u>SB 2259</u>	Relating to the valuation of property for just compensation.	Senate Finance and Taxation	Lewis and Clark
01/21/2019 10:40 AM	<u>HB 1207</u>	Relating to reasonable costs awarded to a defendant.	House Judiciary	Prairie
01/21/2019 2:30 PM	<u>HB 1377</u>	Relating to state board of water well contractors and continuing education requirements for water well pump and pitless unit installers; and to declare an emergency.	House Industry, Business and labor	Peace Garden
01/22/2019 8:00 AM	<u>HB 1136</u>	Relating to bid requirements for public improvements.	House Industry, Business and Labor	Peace Garden
01/22/2019 8:30 AM	<u>HB 1184</u>	Relating to eliminating the ability of state and local government authorities from using quick take eminent domain; and to repeal sections 11-10-26 and 24-01-22.1 of the North Dakota Century Code,	House Judiciary	Prairie

		relating to appeals related to acquiring a right of way through the use of quick take eminent domain.		
01/22/2019 2:30 AM	<u>SB 2275</u>	Relating to the essential infrastructure revolving loan fund debt repayments; to amend and reenact section 6-09-49, subdivision c of subsection 5 of section 6-09.4-03, and sections 6-09.4-06 and 6-09.4-10 of the North Dakota Century Code, relating to the essential infrastructure revolving loan fund, public finance agency definitions, borrowing and lending authority, and reserve funds; to repeal section 61-02-78 of the North Dakota Century Code, relating to a revolving loan fund for water projects; to provide a transfer; to provide a continuing appropriation; to provide a bond issuance limitation; and to provide an effective date.	Senate Finance and Taxation	Lewis and Clark
01/22/2019 2:30 AM	<u>SB 2276</u>	Relating to the infrastructure revolving loan fund; and to provide a statement of legislative intent.	Senate Education	Sheyenne River
01/23/2019 8:30 AM	<u>HB 1014</u>	A BILL for an Act to provide for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer.	House Appropriations – Government Operations Division	Medora
01/24/2019 8:30 AM	<u>SB 2020</u>	A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission.	Senate Appropriations	Harvest
01/24/2019 9:00 AM	<u>HB 1192</u>	Relating to defining and delineating the ordinary high water mark of a navigable body of water; and to amend and reenact section 61-33-01 and subdivision e of subsection 3 of section 61-33.1-03 of the North Dakota Century Code, relating to the definition and determination of ordinary high water mark.	House Energy and Natural Resources	Coteau A
01/24/2019 9:00 AM	<u>HB 1428</u>	Relating to the Missouri River council; to provide for the acquisition and management of the shoreline of the Missouri River; and to provide for a report to the legislative management.	House Energy and Natural Resources	Coteau A
01/24/2019 9:30 AM	<u>SB 2220</u>	Relating to permitting of subsurface water management systems by water resource district boards.	Senate Agriculture	Roosevelt Park
01/24/2019 2:00 PM	<u>HB 1440</u>	Relating to the protection of groundwater and other responsibilities of a mineral developer.	House Energy and Natural Resources	Coteau A

01/24/2019 2:15 PM	<u>SB 2213</u>	Relating to district budget tax levies.	Senate Political Subdivisions	Red River
01/24/2019 2:30 PM	<u>HB 1314</u>	Relating to compensation and reimbursement of water resource district board members.	House Political Subdivisions	Prairie
01/24/2019 3:00 PM	<u>SB 2139</u>	Relating to cost-sharing and duties of the state water commission.	Senate Political Subdivisions	Red River
01/25/2019 8:30 AM	<u>SB 2055</u>	Relating to the establishment of the budget section; to amend and reenact sections 15-03-04, 15-10-12.1, 20.1-02-05.1, 20.1-02-16.1, 25-04-02.2, 37-17.1-27, 40-23-22.1, 47-30.1-24.1, 48-01.2-25, subsection 16 of section 50-06-05.1, subsection 18 of section 50-06-05.1, and sections 54-06-37, 54-27-22, 54-27-23, 54-44.1-13.1, 54-59-05, and 65-08.1-02 of the North Dakota Century Code, relating to agency requests for budget section approval; and to repeal section 1 of chapter 67 of the 2013 Session Laws and section 10 of chapter 19 of the 2017 Session Laws, relating to the authority of the state board of agricultural research and education to sell certain real property and the authority of the state water commission to provide payment for western area water supply loans.	Senate Appropriations	Harvest
01/25/2019 9:00 AM	<u>SB 2295</u>	Relating to limitations on the creation and jurisdiction of irrigation districts; and to amend and reenact sections 61-09-01 and 61-09-03 of the North Dakota Century Code, relating to permitting an irrigation district to assess lands requiring drainage as a result of irrigation works.	Senate Energy and Natural Resources	Fort Lincoln

V. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1013</u>	Appropriation for Defraying Expenses of the Commissioner of School Lands		
<u>HB 1014</u>	Appropriation for Defraying the Expenses of the Industrial Commission		
<u>HB 1020</u>	Appropriation for NDSU		
<u>HB 1024</u>	Appropriation for Defraying Expenses of the Department of Environmental Quality		
<u>HB 1026</u>	Soil Conservation District Manager Training	PASSED	
<u>HB 1036</u>	Fiscal Impacts of Referred Measures		

<u>HB 1037</u>	Campaign Finance Disclosure Statements		
<u>HB 1066</u>	"Prairie Dog Bill"		
<u>HB 1067</u>	Municipal Bid Requirements	PASSED	
<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	
<u>HB 1086</u>	Waters of the State		
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device		
<u>HB 1128</u>	PTSD Service Dog Training		
<u>HB 1136</u>	Bid Requirements for Public Improvements		
<u>HB 1173</u>	Cost for Appealing Local Government Decisions	PASSED	
<u>HB 1184</u>	Eliminating Quick Take Eminent Domain		
<u>HB 1186</u>	Oil and Gas Tax Revenue Hedging		
<u>HB 1192</u>	Ordinary High Water Marks		
<u>HB 1202</u>	Outdoor Heritage Advisory Board		
<u>HB 1207</u>	Reasonable Costs Awarded to Eminent Domain Defendant		
<u>HB 1243</u>	Recording of Easements		
<u>HB 1299</u>	Duration of Pipeline Easements		
<u>HB 1302</u>	Sale of Property Acquired by Eminent Domain		
<u>HB 1307</u>	Special Assessments		
<u>HB 1314</u>	Compensation and Reimbursement of WRD Board Members		
<u>HB 1320</u>	RRVWSP Contract Terms and Elimination of Voter Approval Requirements		
<u>HB 1356</u>	Bids, Plans and Specifications for Public Improvements and Bond Thresholds		
<u>HB 1362</u>	Railroad Right of Way Utility Applications		
<u>HB 1428</u>	Acquisition and Management of the Missouri River Shoreline		
<u>HB 1431</u>	Removal of Mandan from SW Water Authority's Mill Levy		
<u>HB 1440</u>	Protection of Groundwater from Mineral Developers		
<u>HB 1514</u>	Eliminates Tile Permitting Process		
<u>SB 2020</u>	Appropriation for Defraying the Expenses of the State Water Commission		
<u>SB 2037</u>	Disposal and Transportation of High-Level Radioactive Waste		
<u>SB 2040</u>	Political Subdivision Property Exclusion from Protests Against Special Improvement Districts		PASSED
<u>SB 2044</u>	Damaging Critical Infrastructure Penalty		
<u>SB 2054</u>	Outdoor Heritage Fund		
<u>SB 2055</u>	Budget Section		
<u>SB 2090</u>	Permits for the Appropriation of Water		

<u>SB 2091</u>	Floodplain Management Community Standards		PASSED
<u>SB 2095</u>	Expending Funds from the Disaster Relief Fund		
<u>SB 2109</u>	Duties and Responsibilities of the Department of Environmental Quality		
<u>SB 2139</u>	Snagging and Clearing		
<u>SB 2148</u>	Measure 1 Lobbyist Bill		
<u>SB 2166</u>	Increased Liability Limits for Political Subdivisions		
<u>SB 2174</u>	WRD Board Member Elections, Appointments and Terms		
<u>SB 2213</u>	SW Water Authority Permanent Mill Levy		
<u>SB 2220</u>	WRD Tile Permits		
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund		
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		
<u>SB 2295</u>	Creation of Irrigation Drainage Districts		
<u>HCR 3013</u>	Eminent Domain Over Mineral Rights		
<u>SCR 4001</u>	Process of Approving Constitutional Amendments		
<u>SCR 4005</u>	Low-Interest Revolving Loan Fund		

Seay, Dawn L.

From: Haugen, Shelley K.
Sent: Monday, April 1, 2019 12:13 PM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 15

Shelley Haugen
Constituent Services

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From: ND Water Info <staff@ndwater.net>
Sent: Friday, March 29, 2019 3:57 PM
Subject: Legislative Report No. 15

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— North Dakota Water Users — March 29, 2019 No. 15

Legislative Report

Hearing Schedule (April 1 – April 5).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

I. This Week at the Legislature

HB 1207 Reasonable Costs Awarded to Eminent Domain Defendant
Extensively discussed in committee.

This bill awards attorney's fees to defendants that prevail in eminent domain cases if the award for compensation and damages is less than the written offer of settlement submitted by the condemning authority at least 60 days before trial or if the taking is deemed not for a public use or unlawful. This bill was given a 4-2 Do Not Pass recommendation from the committee but it will be discussed further to clarify the language and possibly reconsider the bill before it is sent to the Senate floor.

HB 1302 Sale of Property Acquired by Eminent Domain

Failed the Senate floor with a vote of 5-41 on Tuesday, March 26.

This bill would have allowed the person whose land was taken for eminent domain by the state or a political subdivision to have the opportunity to purchase the land back if it is no longer needed for the purpose it was obtained. This bill failed on the floor due to the many concerns with the language and unanimous opposition at the hearing.

HB 1356 Bids, Plans and Specifications for Public Improvements and Bond Thresholds

Passed the Senate floor with a vote of 39-6 on Monday, March 25.

This bill requires that the state and its political subdivisions may not engage in the construction of public works involving the practice of professional engineering when the contemplated expenditure for the project exceeds the sum of two hundred fifty thousand dollars, unless the engineering drawings and specifications and estimates have been prepared by, and the construction administration and construction observation services are executed under the supervision of, a registered professional engineer.

HB 1431 Removal of Mandan from SW Water Authority's Mill Levy

Failed the Senate floor with a vote of 47-0 on Wednesday, March 27.

This bill would have removed Mandan from SW Water Authority's mill levy. This bill failed because it was no longer necessary due to SB 2213 failing in the House (SB 2213 would have extended the SWWA one mill levy).

SB 2020 Appropriation for Defraying the Expenses of the State Water Commission

The House Appropriations Education and Environment Division continues to review the State Water Commission budget in SB 2020. It has discussed many possible changes to the version of Engrossed SB 2020 adopted by the Senate.

Based on the revised revenue forecast the subcommittee is anticipating the possibility of an additional \$83 million more funds than the \$350 million than the Senate appropriated for grants and capital projects. Potentially, there is an additional \$140 million more with the higher revenue forecast and if other pending legislation is adopted.

The committee is considering possible amendments including:

- Adding a 10th member (8th appointed) to the State Water Commission to represent watersheds in the Southwest
- Continuation of the previously adopted legislative intent of \$193 million for the interior-Minot portion of the Mouse River Flood control to support \$135.5 million over the next 3 biennia
- Changing the Tobacco Settlement payments to the Water Development Trust Fund of \$16 to \$18 million to fund Human Services instead of the WDTF

- Creation of a Missouri River advocacy council that would have been created in HB 1428, which the House previously defeated
- Certification requirement of minimal downstream impact from operation of the FM Diversion
- Provision that funds returned to SWC by projects due to cost-savings, are restored in the “bucket” from which the funds were derived
- Possible line item appropriations for each project
- Establish a “contingency” funding line for SWC flexibility and to address emergencies
- Increase commitment to NAWs

SB 2044 Damaging Critical Infrastructure Penalty

Passed the House with a vote of 76-14 on Monday, March 25.

This bill provides penalties for tampering with critical infrastructure and defines what a critical infrastructure facility is.

SB 2275 Essential Infrastructure Revolving Loan Fund

Failed the House with a vote of 34-55 on Monday, March 25.

This bill would have created a large scale low-interest, long-term revolving loan fund at the Bank of North Dakota with the lending terms supported with earnings from the Legacy Fund for water projects and other infrastructure investments. This bill failed due to the bonding repayment of \$55M+ per biennium obligation from the state for the next 15 biennia.

The Education and Environment Division of the House Appropriations Committee discussed expanding the existing revolving loan within Senate Bill 2020, the State Water Commission budget appropriations bill and it asked the Bank of North Dakota and Legislative Council to consider other funding sources.

SB 2358 Definition of a Watercourse

Passed the House with a vote of 89-2 on Thursday, March 28.

This bill would add a creek, river, or stream appearing in a USGI topographical map to the definition of a watercourse.

SB 2362 Oil and Gas Extraction Tax Revenues

Heard before the Senate Appropriations Committee on Friday, March 28.

This bill is a delayed bill that would address the interpretation issues of how oil and gas extraction tax revenues generated on the Fort Berthold Indian Reservation are deposited into the Resources Trust Fund, the Common Schools Trust Fund and the Foundation Aid Stabilization Fund. As introduced, the bill stipulates that 20% of all the extraction tax collected in the state would be transferred to the Resources Trust Fund. This could increase deposits to the RTF by \$45.4 million.

The Senate Finance and Tax Committee amended the bill to increase the allocation of the extraction tax revenues to the RTF by 0.5% until \$128,740,000 is transferred from the increased share. This represents an estimate of the total funds that were not deposited in the RTF under a different interpretation of distributions since 2009. Under current oil price and production forecasts, an additional \$11 million could be transferred with the increased share. The ND Water Coalition provided testimony in support of the bill at the hearing.

The first part of the report deals with the general situation of the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and the plans for the future.

The second part of the report deals with the financial aspects of the work. It gives a detailed account of the income and expenditure for the year and shows how the funds have been used. It also gives a statement of the assets and liabilities of the organization at the end of the year.

The third part of the report deals with the personnel of the organization. It gives a list of the staff and their duties and shows how the work has been distributed among them. It also gives a statement of the salaries and other benefits paid to the staff.

The fourth part of the report deals with the results of the work. It gives a detailed account of the various projects and the results achieved. It also gives a statement of the progress made in the various fields of work.

The fifth part of the report deals with the future plans of the organization. It gives a statement of the work to be done in the next year and the resources required for it. It also gives a statement of the objectives of the organization and the steps to be taken to achieve them.

II. 2019 Legislative Deadlines and Dates

May 2 Session is limited to 80 legislative days

III. HEARING SCHEDULE: April 1 - April 5, 2019

Date and Time	Bill Number	Short Title	Committee	Room
04/02/2019 10:00 AM	<u>SB 2362</u>	Relating to the allocation of oil extraction tax; to provide a contingent appropriation; to provide for a transfer; to provide an effective date; to and to declare an emergency.	House Finance and Taxation	Fort Totten

IV. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1066</u>	"Project Prairie Dog"	PASSED	PASSED
<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
<u>HB 1136</u>	Bid Requirements for Public Improvements	PASSED	PASSED
<u>HB 1173</u>	Appeals to Local Government Cost	PASSED	
<u>HB 1192</u>	Ordinary High Water Marks	PASSED	PASSED
<u>HB 1207</u>	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	
<u>HB 1302</u>	Sale of Property Acquired by Eminent Domain	PASSED	FAILED
<u>HB 1320</u>	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
<u>HB 1356</u>	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	PASSED
<u>HB 1362</u>	Railroad Right of Way Utility Applications	PASSED	PASSED
<u>HB 1431</u>	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	FAILED
<u>HB 1521</u>	Reporting Campaign Contributions	PASSED	
<u>SB 2020</u>	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
<u>SB 2044</u>	Damaging Critical Infrastructure Penalty	PASSED	PASSED
<u>SB 2090</u>	Permits for the Appropriation of Water	PASSED	PASSED
<u>SB 2091</u>	Floodplain Management Community Standards	PASSED	PASSED

<u>SB 2139</u>	Snagging and Clearing		PASSED
<u>SB 2148</u>	Measure 1 Lobbyist Bill		PASSED
<u>SB 2213</u>	SW Water Authority Permanent Mill Levy	FAILED	PASSED
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund	FAILED	PASSED
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		PASSED
<u>SB 2295</u>	Limiting Creation of Irrigation Districts	PASSED	PASSED
<u>SB 2342</u>	Noise Restrictions on Watercraft	PASSED	PASSED
<u>SB 2358</u>	Definition of a Watercourse	PASSED	PASSED
<u>SB 2362</u>	Oil and Gas Extraction Tax Revenues		
<u>SCR 4009</u>	Joint Water Resource Board Study	PASSED	PASSED

Seay, Dawn L.

From: Haugen, Shelley K.
Sent: Monday, March 18, 2019 10:00 AM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 13
Attachments: 2019-2021 Biennium Analysis.pdf

Shelley Haugen
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From: ND Water Info <staff@ndwater.net>
Sent: Friday, March 15, 2019 5:34 PM
Subject: Legislative Report No. 13

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— North Dakota Water Users — March 15, 2019 No. 13

Legislative Report

Final executive and legislative revenue forecasts were heard in joint Appropriations Committee meetings March 11-12.

The March forecast numbers were finalized March 14 by both committees. For the 2017-19 biennium, General Fund revenue increased \$40 million from the January forecast for total General Fund revenue of \$4.7 billion. For the 2019-21 biennium, appropriators reduced the January General Fund revenue forecast by \$174 million for a total of \$4 billion. However, this reduction results from adjusting the transfer of Legacy Fund earnings to the General Fund from \$300 million in the January forecast to \$100 million. There is a slight increase in General Fund tax revenue of \$25 million for 2019-21.

As of March 14, the estimated General Fund ending balance for the 2019-21 biennium is (\$900 million) based on pending legislation.

The March 14 revenue projection increased both the anticipated oil production and oil price in the 2019-21 biennium, increasing the January forecast oil price of \$42.50 per barrel to \$47/bbl this week; and increasing the average daily production from 1.35 million barrels per day to 1.38 MBPD.

The Resources Trust Fund, which is the major source of funding for the State Water Commission operations, capital projects and water project grants, receives 20% of the oil and gas extraction tax. The revenue forecast's impact on predictions for the deposits have not yet been published by Legislative Council but based on the forecast the Appropriations Committee is tentatively anticipating an additional \$62 million in the 2019-21 biennium over the \$350 million estimated in January. The committee also expects an increase of \$9.8 million to be deposited during the remainder of the 2017-19 biennium.

Additionally, the appropriations committee counting on an additional \$45.4 million with passage of SB 2362, which clarifies the distribution of extraction taxes from oil produced on the Fort Berthold Reservation. The House appropriators are also anticipating a \$23 million transfer from the Bank of North Dakota to the RTF if the infrastructure revolving loan fund contemplated in SB 2275 is adopted.

SB 2020 State Water Commission Budget Appropriation.

The House Appropriations Educations and Environment Division spent substantial committee time Friday, reviewing the SWC budget in SB 2020. The subcommittee reviewed Engrossed SB 2020 as adopted by Senate and studied a Legislative Council prepared analysis (attached) of the Senate's version of the SWC budget.

Based on the revised revenue forecast and pending legislation, the subcommittee is anticipating an additional \$133 to \$140 million more funds in the RTF than the \$350 million the Senate was able to appropriate for grants and capital projects.

The committee considered, but did not adopt, several possible amendments to SB 2020, the Committee:

- Will likely add a tenth member (8th appointed) to the State Water Commission to represent the Heart, Cannonball and Little Missouri Rivers watersheds in Southwest North Dakota
- Will likely continue the previously adopted legislative intent of \$193 million for the Minot portion of the Mouse River Flood control to \$135.5 million over the next 3 biennia
- Will gather addition information on a proposed amendment anticipated from Rep. Delzer to shift the revenue to the Water Development Trust Fund from the \$16 to \$18 million in biennial Tobacco Settlement payments, instead to fund Human Services program. Potentially to be replaced by additional funds in the RTF
- Is unlikely to adopt an amendment offered to create a Missouri River advocacy board to promote reaction, water access and utilization of the river and its reservoirs. The

committee would have a similar responsibility to a board that would have been created in HB 1428, which the House defeated earlier

I. This Week at the Legislature

HB 1066 passed on the Senate floor with a vote of 46-0 on Thursday, March 14. This bill was heard before the Senate Appropriations committee on Monday, March 11. This bill, widely known as the "Operation Prairie Dog Bill," revises the formula for the distribution of the gross production tax on oil and gas in a way that will fund Hub Cities and other oil-impacted communities in the 2019-2021 biennium at approximately the same rate as the current biennium. It would also establish "buckets" for non-oil producing cities, counties, airports, and townships to support infrastructure needs.

HB 1302 was heard before the Senate Political Subdivisions committee on Friday, March 15. This bill allows the person whose land was taken by eminent domain by the state or a political subdivision to have the opportunity to purchase the land back if it is no longer needed for the purpose for which it was acquired.

HB 1356 was heard before the Senate Political Subdivisions committee on Thursday, March 14. This bill requires that the state and its political subdivisions may not engage in the construction of public works involving the practice of professional engineering when the contemplated expenditure for the project exceeds the sum of two hundred fifty thousand dollars, unless the engineering drawings and specifications and estimates have been prepared by, and the construction administration and construction observation services are executed under the supervision of, a registered professional engineer.

HB 1362 was heard before the Senate Industry, Business and Labor committee on Wednesday, March 13. This bill allows a utility to cross over or under the railroad right of way for the placement of facilities.

HB 1521 was heard before the Ethics committee on Tuesday, March 12. This bill lays out campaign contribution disclosure requirements and the complaint procedure for campaign contribution violations by lobbyists.

SB 2148 was heard before the Ethics committee on Tuesday, March 12. This bill establishes and ethics commission and outlines the complaint process for violations.

SB 2275 was heard before the House Appropriations committee on Tuesday, March 12. This bill creates an infrastructure revolving loan fund at the Bank of North Dakota with the lending terms supported with earnings from the Legacy Fund.

SB 2295 passed the House with a vote of 76-13 on Friday, March 15. This bill limits the creation of irrigation districts, adds permit requirements for drainage projects and ensures drainage benefits provided by an irrigation district do not impact the authority of a water resource board.

SB 2362 was heard before the Senate Finance and Taxation Committee on Wednesday, March 13. This bill would address the interpretation issues of how oil and gas extraction tax revenues generated on the Fort Berthold Indian Reservation are deposited into the Resources Trust Fund, the Common Schools Trust Fund and the Foundation Aid Stabilization Fund. The bill stipulates that 20% of all the extraction tax collected in the state would be transferred to the Resources Trust Fund upon passage of the bill, which has an emergency clause. The bill has no reference to restoring funds that may not have been deposited under a different interpretation over the past decade. The Water Coalition, the Rural Water Systems Association and the State Engineer all testified in support of the bill, and advocated restoration of the estimated \$125 million that was not deposited into the RTF over the previous decade.

SCR 4009 passed on the House floor on Wednesday, March 13. This bill would direct Legislative Management to consider studying the feasibility and desirability of the water resource boards in each drainage basin forming a joint water resource board to plan and construct water conveyance projects based on basin-wide needs.

II. 2019 Legislative Deadlines and Dates

May 2 Session is limited to 80 legislative days

III. HEARING SCHEDULE: March 18 - March 22, 2019

Date and Time	Bill Number	Short Title	Committee	Room
03/21/2019 9:30 AM	<u>HB 1431</u>	Relating to the parts of the state included in the southwest water authority and the membership of the board of directors of the southwest water authority; and to provide an effective date.	Senate Political Subdivisions	Red River

IV. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1066</u>	"Project Prairie Dog"	PASSED	PASSED
<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
<u>HB 1136</u>	Bid Requirements for Public Improvements	PASSED	PASSED
<u>HB 1173</u>	Appeals to Local Government Cost	PASSED	
<u>HB 1192</u>	Ordinary High Water Marks	PASSED	

<u>HB 1207</u>	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	
<u>HB 1302</u>	Sale of Property Acquired by Eminent Domain	PASSED	
<u>HB 1320</u>	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
<u>HB 1356</u>	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	
<u>HB 1362</u>	Railroad Right of Way Utility Applications	PASSED	
<u>HB 1431</u>	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	
<u>HB 1521</u>	Reporting Campaign Contributions	PASSED	
<u>SB 2020</u>	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
<u>SB 2044</u>	Damaging Critical Infrastructure Penalty		PASSED
<u>SB 2090</u>	Permits for the Appropriation of Water		PASSED
<u>SB 2091</u>	Floodplain Management Community Standards	PASSED	PASSED
<u>SB 2139</u>	Snagging and Clearing		PASSED
<u>SB 2148</u>	Measure 1 Lobbyist Bill		PASSED
<u>SB 2213</u>	SW Water Authority Permanent Mill Levy		PASSED
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund		PASSED
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		PASSED
<u>SB 2295</u>	Limiting Creation of Irrigation Districts	PASSED	PASSED
<u>SB 2342</u>	Noise Restrictions on Watercraft		PASSED
<u>SB 2358</u>	Definition of a Watercourse		PASSED
<u>SB 2362</u>	Allocation of Oil Extraction Tax		
<u>SCR 4009</u>	Joint Water Resource Board Study	PASSED	PASSED

Seay, Dawn L.

From: Haugen, Shelley K.
Sent: Monday, March 11, 2019 8:36 AM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 12

Shelley Haugen
Constituent Services

701.328.2208 • skhaugen@nd.gov • www.governor.nd.gov



From: ND Water Info <staff@ndwater.net>
Sent: Friday, March 08, 2019 5:15 PM
Subject: Legislative Report No. 12

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— *North Dakota Water Users* — *March 8, 2019 No. 12*

Legislative Report

Hearing Schedule (March 11 – March 15).

There are not hearings of bills scheduled for bill being tracked by the North Dakota Water Users Association.

I. This Week at the Legislature

SB 2362 was introduced as a delayed bill yesterday, March 7. The bill would address the interpretation issues of how oil and gas extraction tax revenues generated on the Fort Berthold Indian Reservation are deposited into the Resources Trust Fund, the Common Schools Trust Fund

and the Foundation Aid Stabilization Fund. The bill stipulates that 20% of all the extraction tax collected in the state would be transferred to the Resources Trust Fund upon passage of the bill, which has an emergency clause. The bill has no reference to restoring funds that may not have been deposited under a different interpretation over the past decade.

HB 1066 was heard before the Senate Finance and taxation committee on Tuesday, March 5- the Water Coalition support this bill, widely known as the "Project Prairie Dog" which revises the formula for the distribution of the gross production tax on oil and gas in a way that will fund Hub Cities and other oil-impacted communities in the 2019-2021 biennium at approximately the same rate as the current biennium. It would also establish "buckets" for non-oil producing cities, counties and townships to support infrastructure needs.

HB 1136 passed the Senate with a vote of 42-0 on Friday, March 8. It was heard before the Senate Industry, Business and Labor committee on Wednesday, March 6. This bill allows a governing body to award a contract for each portion of the public improvement project that received bids and readvise for bids on the portion of the project that did not receive bids if a bid for general, electrical, or mechanical portions of a public improvement project are not received.

HB 1192 was heard before the Senate Energy and Natural Resources committee on Thursday, March 7. This bill defines adds a definition of ordinary high water mark to N.D.C.C. ch. 61-33.1 and adds a section requiring the State Engineer maintain ordinary high water mark delineation guidelines as provided.

HB 1207 awards reasonable costs awarded to defendants that prevail in eminent domain cases. The bill was heard before the Senate Judiciary committee on Tuesday, March 5.

SB 2020 On March 7 and 8, the Education and Environment Division of the House Appropriations Committee - held nearly a day-and-a-half long hearing on Senate Bill 2020, the State Water Commission budget appropriation. Governor Burgum appeared and requested flexibility in the appropriation for water project funding when he introduced the SWC Budget.

On behalf of the Water Users Association and the Water Coalition, Alan Walter requested financial support for water projects across the State and requested that the Legislature:

- Fund State Water Commission administrative operations from the State General Fund
- Not reduce or divert the 20 percent of oil and gas extraction taxes from the Resources Trust Fund which supports water projects and infrastructure
- Consider credit options using Legacy Fund earnings to finance the completion of state water infrastructure

Throughout Thursday, the appropriators heard reports and requests for funding help with major flood control for Souris River Flood Protection, Lower Heart River Levy Recertification, Sheyenne River Flood Protection and it heard extended testimony in support and in opposition to the Fargo-Moorhead Area Diversion Project. The committee took testimony in support water supply grants with dedicated funding for rural water supply, and a continued commitment of funding for municipalities' water infrastructure, Western Area Water Supply, and Red River Valley Water Supply. The City of Devils Lake asked for consideration of the Lake Agassiz Water Authority to route water supply pipelines to the Sheyenne River upstream of the city.

The committee members received updates from the Southwest Pipeline Project and the Northwest Area Water Supply State and a request to invest in these state-owned capital assets. Water Resource Districts and irrigation representatives made a case for the continuation of the dedicated General Water Management funding that the Senate had proposed. The legislators also heard from several supporters of cloud modification and the weather monitoring efforts of the atmospheric resource board.

Friday's continued hearing focused almost entirely on the Fargo Moorhead Diversion Project, with questions from the committee about federal and local funding, finance cost, the private partnership proposal and progress on the interior flood control. Committee work on the bill is expected to continue throughout March.

SB 2044 was heard before the House Energy and Natural Resources committee on Thursday, March 7. This bill provides penalties for tampering with critical infrastructure and defines critical infrastructure facility.

SB 2213 was heard before the House Political Subdivisions committee on Thursday, March 7. This bill extends the sunset clause for the SWWA mill levy until 2030. Alan Walter testified on behalf of the NDWUA.

SB 2293 was heard before the House Energy and Natural Resources committee on Friday, March 8. This bill creates funding mechanisms to support ANS programs through a \$3 surcharge on in state fishing licenses (excluding senior citizen and disabled licenses) and \$6 surcharge on out of state fishing waterfowl licenses. Mary Massad testified in support on behalf of the NDWUA.

SB 2295 was heard before the House Agriculture committee on Thursday, March 7. This bill limits the creation of irrigation districts, adds permit requirements for drainage projects and ensures drainage benefits provided by an irrigation district do not impact the authority of a water resource board.

SB 2342 was heard before the House Energy and Natural Resources committee on Thursday, March 7. This bill sets noise restrictions on the operation of airboat watercraft.

SB 2358 was heard before the House Energy and Natural Resources committee on Thursday, March 7. This bill would study adding a creek, river, or stream appearing in a plat book to the definition of a watercourse.

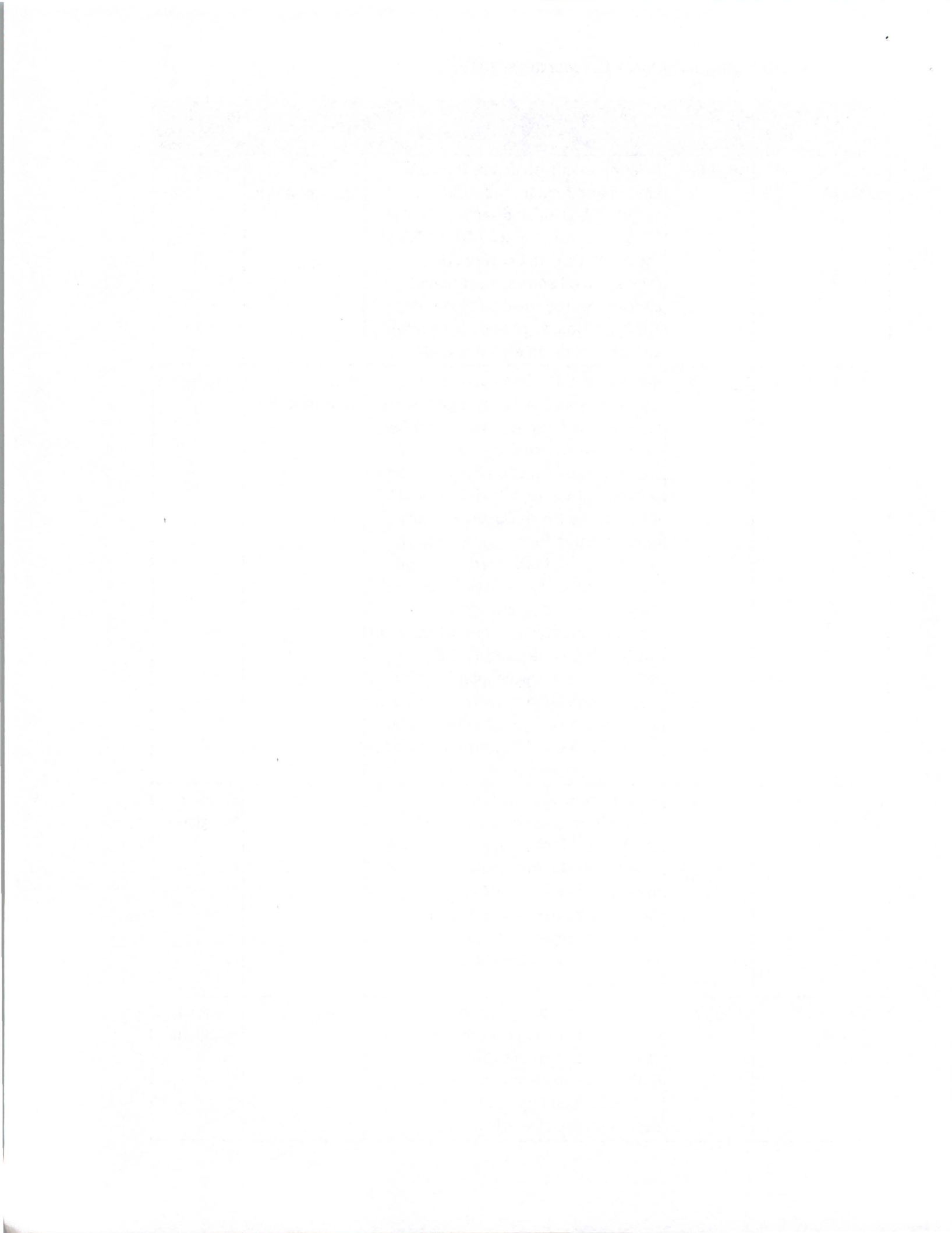
SCR 4009 was heard before the House Agriculture committee on Thursday, March 7. This bill would direct Legislative Management to consider studying the feasibility and desirability of the water resource boards in each drainage basin forming a joint water resource board to plan and construct water conveyance projects based on basin-wide needs.

II. 2019 Legislative Deadlines and Dates

May 2 Session is limited to 80 legislative days

III. HEARING SCHEDULE: March 11 - March 15, 2019

Date and Time	Bill Number	Short Title	Committee	Room
03/11/2019 3:00 PM	<u>HB 1066</u>	Relating to infrastructure funds; to amend and reenact subsection 5 of section 57-51-01 and sections 57-51-15, 57-51.1-07.3, and 57-51.1-07.5 of the North Dakota Century Code, relating to oil and gas tax revenue allocations; to provide a continuing appropriation; to provide for a report; and to provide an effective date.	Senate Appropriations	Harvest
03/12/2019 8:15 AM	<u>SB 2275</u>	Relating to the infrastructure revolving loan fund debt repayments; to amend and reenact sections 6-09-49, 6-09.4-06, and 6-09.4-10, subsection 6 of section 21-03-07, and sections 21-03-19, 57-15-06.6, and 57-47-02 of the North Dakota Century Code, relating to the infrastructure revolving loan fund, borrowing and lending authority, reserve funds, and expanded bonding authority for counties; to repeal section 61-02-78 of the North Dakota Century Code, relating to a revolving loan fund for water projects; to provide a transfer; to provide a continuing appropriation; to provide a bond issuance limitation; and to provide an effective date.	House Appropriations	Roughrider
03/12/2019 2:15 PM	<u>SB 2148</u>	Relating to disclosures of expenditures, restrictions on public officials and lobbyists, investigations of ethics violations; and to the prohibition on personal use of campaign contributions and the rulemaking procedures and requirements for the ND ethics commission.	Ethics	Brynhild Haugland
03/12/2019 3:45 PM	<u>HB 1521</u>	Relating to reporting campaign contributions and expenditures, restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the	Ethics	Brynhild Haugland



		Constitution of North Dakota; to amend and reenact section 16.1-08.1-01, subsection 4 of section 16.1-08.1-02.1, sections 16.1-08.1-02.3, 16.1-08.1-02.4, 16.1-08.1-03.1, 16.1-08.1-04.1, 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, 28-32-08, 28-32-08.1, 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, and 28-32-18.1, subsections 2 and 4 of section 28-32-19, and sections 28-32-27, 28-32-47, 28-32-48, and 28-32-49 of the North Dakota Century Code, relating to rulemaking procedures, disqualification of agency heads in quasi-judicial proceedings, implementing article XIV of the Constitution of North Dakota, and requirements for the North Dakota ethics commission; to provide for a penalty; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.		
03/13/2019 9:00 AM	<u>SB 2362</u>	Relating to the allocation of oil extraction tax; to provide an effective date; and to declare an emergency.	Senate Finance and Taxation	Lewis and Clark
03/13/2019 2:30 PM	<u>HB 1362</u>	Relating to the right of utilities to cross over or under a railroad right of way; and to provide for application.	Senate Industry, Business and Labor	Roosevelt Park
03/14/2019 10:45 AM	<u>HB 1356</u>	Relating to bids, plans, and specifications for public improvements and bond thresholds.	Senate Political Subdivisions	Red River
03/15/2019 8:30 AM	<u>HB 1302</u>	Relating to the sale of property acquired by eminent domain or acquired when the property was eligible for taking by eminent domain, but no longer needed for a public purpose.	Senate Political Subdivisions	Red River

IV. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1066</u>	"Project Prairie Dog"	PASSED	

<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
<u>HB 1136</u>	Bid Requirements for Public Improvements	PASSED	PASSED
<u>HB 1173</u>	Appeals to Local Government Cost	PASSED	
<u>HB 1192</u>	Ordinary High Water Marks	PASSED	
<u>HB 1207</u>	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	
<u>HB 1302</u>	Sale of Property Acquired by Eminent Domain	PASSED	
<u>HB 1320</u>	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
<u>HB 1356</u>	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	
<u>HB 1362</u>	Railroad Right of Way Utility Applications	PASSED	
<u>HB 1431</u>	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	
<u>HB 1521</u>	Reporting Campaign Contributions	PASSED	
<u>SB 2020</u>	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
<u>SB 2044</u>	Damaging Critical Infrastructure Penalty		PASSED
<u>SB 2090</u>	Permits for the Appropriation of Water		PASSED
<u>SB 2091</u>	Floodplain Management Community Standards	PASSED	PASSED
<u>SB 2139</u>	Snagging and Clearing		PASSED
<u>SB 2148</u>	Measure 1 Lobbyist Bill		PASSED
<u>SB 2213</u>	SW Water Authority Permanent Mill Levy		PASSED
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund		PASSED
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		PASSED
<u>SB 2295</u>	Limiting Creation of Irrigation Districts		PASSED
<u>SB 2342</u>	Noise Restrictions on Watercraft		PASSED
<u>SB 2358</u>	Definition of a Watercourse		PASSED
<u>SCR 4009</u>	Joint Water Resource Board Study		PASSED

Uecker, Jodi

From: Haugen, Shelley K.
Sent: Monday, April 1, 2019 12:13 PM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 15

Shelley Haugen
Constituent Services

701.328.2208 • skhaugen@nd.gov • www.governor.nd.gov

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From: ND Water Info <staff@ndwater.net>
Sent: Friday, March 29, 2019 3:57 PM
Subject: Legislative Report No. 15

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— North Dakota Water Users — March 29, 2019 No. 15

Legislative Report

Hearing Schedule (April 1 – April 5).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

I. This Week at the Legislature

HB 1207 Reasonable Costs Awarded to Eminent Domain Defendant
Extensively discussed in committee.

This bill awards attorney's fees to defendants that prevail in eminent domain cases if the award for compensation and damages is less than the written offer of settlement submitted by the condemning authority at least 60 days before trial or if the taking is deemed not for a public use or unlawful. This bill was given a 4-2 Do Not Pass recommendation from the committee but it will be discussed further to clarify the language and possibly reconsider the bill before it is sent to the Senate floor.

HB 1302 Sale of Property Acquired by Eminent Domain

Failed the Senate floor with a vote of 5-41 on Tuesday, March 26.

This bill would have allowed the person whose land was taken for eminent domain by the state or a political subdivision to have the opportunity to purchase the land back if it is no longer needed for the purpose it was obtained. This bill failed on the floor due to the many concerns with the language and unanimous opposition at the hearing.

HB 1356 Bids, Plans and Specifications for Public Improvements and Bond Thresholds

Passed the Senate floor with a vote of 39-6 on Monday, March 25.

This bill requires that the state and its political subdivisions may not engage in the construction of public works involving the practice of professional engineering when the contemplated expenditure for the project exceeds the sum of two hundred fifty thousand dollars, unless the engineering drawings and specifications and estimates have been prepared by, and the construction administration and construction observation services are executed under the supervision of, a registered professional engineer.

HB 1431 Removal of Mandan from SW Water Authority's Mill Levy

Failed the Senate floor with a vote of 47-0 on Wednesday, March 27.

This bill would have removed Mandan from SW Water Authority's mill levy. This bill failed because it was no longer necessary due to SB 2213 failing in the House (SB 2213 would have extended the SWWA one mill levy).

SB 2020 Appropriation for Defraying the Expenses of the State Water Commission

The House Appropriations Education and Environment Division continues to review the State Water Commission budget in SB 2020. It has discussed many possible changes to the version of Engrossed SB 2020 adopted by the Senate.

Based on the revised revenue forecast the subcommittee is anticipating the possibility of an additional \$83 million more funds than the \$350 million than the Senate appropriated for grants and capital projects. Potentially, there is an additional \$140 million more with the higher revenue forecast and if other pending legislation is adopted.

The committee is considering possible amendments including:

- Adding a 10th member (8th appointed) to the State Water Commission to represent watersheds in the Southwest
- Continuation of the previously adopted legislative intent of \$193 million for the interior-Minot portion of the Mouse River Flood control to support \$135.5 million over the next 3 biennia
- Changing the Tobacco Settlement payments to the Water Development Trust Fund of \$16 to \$18 million to fund Human Services instead of the WDTF

- Creation of a Missouri River advocacy council that would have been created in [HB 1428](#), which the House previously defeated
- Certification requirement of minimal downstream impact from operation of the FM Diversion
- Provision that funds returned to SWC by projects due to cost-savings, are restored in the “bucket” from which the funds were derived
- Possible line item appropriations for each project
- Establish a “contingency” funding line for SWC flexibility and to address emergencies
- Increase commitment to NAWs

[SB 2044](#) Damaging Critical Infrastructure Penalty

Passed the House with a vote of 76-14 on Monday, March 25.

This bill provides penalties for tampering with critical infrastructure and defines what a critical infrastructure facility is.

[SB 2275](#) Essential Infrastructure Revolving Loan Fund

Failed the House with a vote of 34-55 on Monday, March 25.

This bill would have created a large scale low-interest, long-term revolving loan fund at the Bank of North Dakota with the lending terms supported with earnings from the Legacy Fund for water projects and other infrastructure investments. This bill failed due to the bonding repayment of \$55M+ per biennium obligation from the state for the next 15 biennia.

The Education and Environment Division of the House Appropriations Committee discussed expanding the existing revolving loan within Senate Bill 2020, the State Water Commission budget appropriations bill and it asked the Bank of North Dakota and Legislative Council to consider other funding sources.

[SB 2358](#) Definition of a Watercourse

Passed the House with a vote of 89-2 on Thursday, March 28.

This bill would add a creek, river, or stream appearing in a USGI topographical map to the definition of a watercourse.

[SB 2362](#) Oil and Gas Extraction Tax Revenues

Heard before the Senate Appropriations Committee on Friday, March 28.

This bill is a delayed bill that would address the interpretation issues of how oil and gas extraction tax revenues generated on the Fort Berthold Indian Reservation are deposited into the Resources Trust Fund, the Common Schools Trust Fund and the Foundation Aid Stabilization Fund. As introduced, the bill stipulates that 20% of all the extraction tax collected in the state would be transferred to the Resources Trust Fund. This could increase deposits to the RTF by \$45.4 million.

The Senate Finance and Tax Committee amended the bill to increase the allocation of the extraction tax revenues to the RTF by 0.5% until \$128,740,000 is transferred from the increased share. This represents an estimate of the total funds that were not deposited in the RTF under a different interpretation of distributions since 2009. Under current oil price and production forecasts, an additional \$11 million could be transferred with the increased share. The ND Water Coalition provided testimony in support of the bill at the hearing.

II. 2019 Legislative Deadlines and Dates

May 2 Session is limited to 80 legislative days

III. HEARING SCHEDULE: April 1 - April 5, 2019

Date and Time	Bill Number	Short Title	Committee	Room
04/02/2019 10:00 AM	SB 2362	Relating to the allocation of oil extraction tax; to provide a contingent appropriation; to provide for a transfer; to provide an effective date; to and to declare an emergency.	House Finance and Taxation	Fort Totten

IV. Legislative Bills Tracked (To Date)

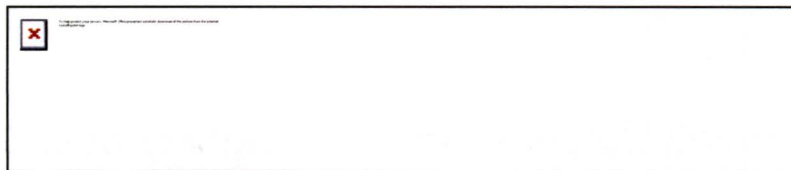
Bill	Short Title	House	Senate
HB 1066	"Project Prairie Dog"	PASSED	PASSED
HB 1085	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
HB 1087	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
HB 1136	Bid Requirements for Public Improvements	PASSED	PASSED
HB 1173	Appeals to Local Government Cost	PASSED	
HB 1192	Ordinary High Water Marks	PASSED	PASSED
HB 1207	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	
HB 1302	Sale of Property Acquired by Eminent Domain	PASSED	FAILED
HB 1320	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
HB 1356	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	PASSED
HB 1362	Railroad Right of Way Utility Applications	PASSED	PASSED
HB 1431	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	FAILED
HB 1521	Reporting Campaign Contributions	PASSED	
SB 2020	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
SB 2044	Damaging Critical Infrastructure Penalty	PASSED	PASSED
SB 2090	Permits for the Appropriation of Water	PASSED	PASSED
SB 2091	Floodplain Management Community Standards	PASSED	PASSED

<u>SB 2139</u>	Snagging and Clearing		PASSED
<u>SB 2148</u>	Measure 1 Lobbyist Bill		PASSED
<u>SB 2213</u>	SW Water Authority Permanent Mill Levy	FAILED	PASSED
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund	FAILED	PASSED
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		PASSED
<u>SB 2295</u>	Limiting Creation of Irrigation Districts	PASSED	PASSED
<u>SB 2342</u>	Noise Restrictions on Watercraft	PASSED	PASSED
<u>SB 2358</u>	Definition of a Watercourse	PASSED	PASSED
<u>SB 2362</u>	Oil and Gas Extraction Tax Revenues		
<u>SCR 4009</u>	Joint Water Resource Board Study	PASSED	PASSED

Uecker, Jodi

From: Bakken Backers <info@backthebakken.org>
Sent: Friday, March 29, 2019 7:37 AM
To: Uecker, Jodi
Subject: Kickoff Point: North Dakota Oil Industry, Landowner Groups Divided as Energy Bill Heads for Vote | North Dakota House Approves Bill to Protect Pipelines, Critical Infrastructure

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North Dakota Oil Industry, Landowner Groups Divided as Energy Bill Heads for Vote

SB 2344 defines pore space and returns the law to match what is historically normal business practices. The bill also incentivizes investment in Enhanced Oil Recovery, further maximizing oil and gas production and protecting thousands of jobs in North Dakota's coal industry.

[Read More](#)

North Dakota House Approves Bill to Protect Pipelines, Critical Infrastructure

SB 2044 passed the ND House in a 76-14 vote on Monday. The bill will prevent tampering with pipelines and other energy infrastructure and adds penalties for organizations that conspire with individuals who damage infrastructure.

[Read More](#)

Bakken Exploration Expanding into North Dakota Grasslands

Interest beyond the Bakken Shale's four-county core in North Dakota is expanding to the upper Midwest grasslands, with as many as five of the state's 65 active rigs now in operation.

[Read More](#)

Williston API Plans Celebration to Recognize over \$1 Million in Donations to Community

Williston API has donated over \$1 million of the past eight years in funding and scholarships for students, youth organizations, cultural programs and charities.

[Read More](#)

A Flood of U.S. Oil Exports is Coming

Oil traders and shale executives believe U.S. crude exports are set reach 5 million barrels a day by late 2020, up another 70 percent from current levels. If the U.S. hits that target, America will be exporting, on a gross basis, more crude than every country in OPEC except Saudi Arabia.

[Read More](#)

Next U.S. Shale Wave Will Need Fewer Heads, Different Skills

U.S. shale oil and gas are expected to surge, driven by technology advancement and innovation in drilling practices. The new technologies are requiring advanced skill-sets to manage operations.

[Read More](#)

Dakota Datebook: 'Father of North Dakota Oil'

'The Father of North Dakota Oil' Thomas Leach discovered oil in North Dakota in this week of 1951, and consequently launched the oil and gas industry in the state.

[Read More](#)

Bismarck, North Dakota

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Uecker, Jodi

From: Haugen, Shelley K.
Sent: Monday, March 25, 2019 9:26 AM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 14

Shelley Haugen

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From: ND Water Info <staff@ndwater.net>

Sent: Friday, March 22, 2019 4:44 PM

Subject: Legislative Report No. 14

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— *North Dakota Water Users* — *March 22, 2019 No. 14*

Legislative Report

The deadline for rereferral of policy bills with fiscal impact to Appropriations Committees is Tuesday, March 26. Most policy committees have finished hearing assigned bills and will spend most of next week in committee work.

Conference committees to reconcile differences between bills that have passed both chambers are beginning. Conference committees will be meeting through the remainder of the session to coordinate bill language so both the House and Senate can adopt identical language. The conference committees are generally made up of three members of each committee that heard the bill and can be arranged with as little as 15 minutes notice. These committee meetings can sometimes be another chance to influence policy outcomes.

Contact Legislators!

The Water Users Association has initiated an **Action Alert** to support [SB 2275](#). This bill will create a low-interest, long-term revolving loan fund for Water infrastructure investments. The bill has already passed the Senate. In order for this important bill to pass the House, you should contact [Representatives](#) to urge support for the measure which would create a \$450 million loan program to support critical infrastructure, major flood control and regional water supply with loans at 2% interest for up to forty years.

Please call or write you legislators requesting support for this bill!

Hearing Schedule (March 25 – March 29).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

I. This Week at the Legislature

[HB 1362](#) passed the Senate floor with a vote of 46-0 on Thursday, March 21. This bill allows a utility to cross over or under the railroad right of way for the placement of facilities.

[HB 1431](#) was heard before the Senate Political Subdivisions Committee on Thursday, March 21. This bill removes Mandan from SW Water Authority's mill levy.

[SB 2213](#) failed the House with a vote of 27-65 on Tuesday, March 19. This bill would have extended the SWWA one mill levy until 2030.

[HB 1192](#) passed the Senate floor with a vote of 39-6 on Wednesday, March 20. This bill defines adds a definition of ordinary high-water mark to N.D.C.C. ch. 61-33.1 and adds a section requiring the State Engineer maintain ordinary high-water mark delineation guidelines as provided.

[SB 2020](#) is the budget appropriation for the State Water Commission. The Education and Environment Division of the House Appropriations Committee spent much of its committee time on Thursday and Friday reviewing the provisions of the bill as adopted by the Senate. The subcommittee reviewed projects, programs and capital assets. Clarification on water projects was gained from the SWC staff, and representatives of the Fargo Moorhead Diversion, Mouse River Flood Protection Plan, Red River Water Supply Project, League of Cities and Rural Water. The committee is gathering information and no action was taken.

[SB 2090](#) passed the House with a vote of 78-7 on Friday, March 22. This bill exempts reuse of fossil byproduct water from requiring a water permit, clarifies that a legal interest in the point of diversion or place of use for irrigation water is required, and puts into statute the long-standing practice of having a 30-day comment period on water permit applications. It also increases the costs. All new water permit applications increased from \$200 to \$500,

industrial permits are now \$1,000, and amendments are raised to \$100. The \$250 under 2,500 population break will also go away.

[SB 2275](#) received a 15-3 Do Not Pass recommendation from the House Appropriations Committee, however water leaders are hoping to convince the full House of Representatives to adopt the bill. This bill will create a low-interest, long-term revolving loan fund for water infrastructure investments. We are encouraged that cities, counties, general contractors, and transportation advocates support the Infrastructure Revolving Loan Fund and will work together to secure passage of SB 2275 or if unsuccessful to jointly look for options to create an Infrastructure Revolving Loan Fund in another bill.

[SB 2293](#) received a 14-0 Do Pass recommendation from the House Energy and Natural Resources Committee and referred the bill to the Appropriations Committee. The bill creates a \$3 surcharge on fishing licenses and a \$15 per boat "sticker" to finance an Aquatic Nuisance Species fund for programming, facilities and two Game and Fish Department staff for ANS inspection, monitoring, and education.

[SB 2342](#) passed the House with a vote of 60-25 on Friday, March 22. This bill sets noise restrictions of 88 decibels for no more than 10 minutes on the operation of watercraft during the hours of 12am-5am.

II. Bills Affecting Landowners

[SB 2360](#) passed the House with a vote of 74-18 on Monday, March 18. This bill changes the definition of farm income from net to gross income for purposes of qualification for the farm home property tax exemption. The bill adopts the IRS definition of a farmer, which is two-thirds or more of annual gross income from farming activities during any of the two preceding calendar years. The bill also removes the present \$40,000 cap for allowable off-farm income.

[HB 1020](#) was heard before the Senate Appropriations Committee on Wednesday, March 20. This bill is the budget for the NDSU Research and Extension. House action resulted in a 6% decrease from the 2017-19 base level funding for the main station. This is following a 13% cut in 2017-19 biennium. Extension held even with the 2017-19 funding level. Funding for SBARE priorities include one-time funding of \$1.4 million from the strategic investment and improvements fund for extraordinary repairs and \$750,000 for the Williston seed cleaning plant, including \$250,000 from the general fund and \$500,000 from other funds.

[SB 2315](#) was heard before the House Agriculture Committee on Thursday, March 21. This bill reverses the presumption that all land is considered open to trespass and requires people to seek permission to access private property, except for hunting, where designations of open or closed will be indicated on an electric database. This bill also allows traditional signs to be used if landowners prefer them. The bill establishes an advisory group of landowners and sportsmen to manage the development of the land database.

[SB 2344](#) was heard before the House Energy and Natural Resources Committee on Thursday, March 21. This bill is intended to clarify that underground injection for CO2 or natural gas

storage, enhanced oil recovery, and saltwater disposal do not constitute a “damage” to pore space. The bill is considered by many landowners to be a “taking” of landowners property. The House Energy and Natural Resources Committee gave it a 10-2 do pass recommendation on March 21.

III. 2019 Legislative Deadlines and Dates

May 2 Session is limited to 80 legislative days

IV. HEARING SCHEDULE: March 25 - March 29, 2019

Date and Time	Bill Number	Short Title	Committee	Room
03/26/2019 9:00 AM	<u>SB 2020</u>	Committee Work – State Water Commission Relating to the authorization of a Bank of North Dakota line of credit; to provide for Red River valley water supply requirements; to provide an exemption; to provide for a report to the legislative management; and to provide a statement of legislative intent.	House Appropriations – Education and Environment Division	Roughrider
03/26/2019 9:00 AM	<u>HB 1290</u>	Relating to prohibiting entry onto private land without permission.	Senate Judiciary	Pioneer
03/28/2019 3:45 PM	<u>HB 1521</u>	Relating to reporting campaign contributions and expenditures, restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota; to amend and reenact section 16.1-08.1-01, subsection 4 of section 16.1-08.1-02.1, sections 16.1-08.1-02.3, 16.1-08.1-02.4, 16.1-08.1-03.1, 16.1-08.1-04.1, 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, 28-32-08, 28-32-08.1, 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, and 28-32-18.1, subsections 2 and 4 of section 28-32-19, and sections 28-	Ethics	Pioneer

		32-27, 28-32-47, 28-32-48, and 28-32-49 of the North Dakota Century Code, relating to rulemaking procedures, disqualification of agency heads in quasi-judicial proceedings, implementing article XIV of the Constitution of North Dakota, and requirements for the North Dakota ethics commission; to provide for a penalty; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.		
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V. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1066</u>	"Project Prairie Dog"	PASSED	PASSED
<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
<u>HB 1136</u>	Bid Requirements for Public Improvements	PASSED	PASSED
<u>HB 1173</u>	Appeals to Local Government Cost	PASSED	
<u>HB 1192</u>	Ordinary High Water Marks	PASSED	PASSED
<u>HB 1207</u>	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	
<u>HB 1302</u>	Sale of Property Acquired by Eminent Domain	PASSED	
<u>HB 1320</u>	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
<u>HB 1356</u>	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	
<u>HB 1362</u>	Railroad Right of Way Utility Applications	PASSED	PASSED
<u>HB 1431</u>	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	
<u>HB 1521</u>	Reporting Campaign Contributions	PASSED	
<u>SB 2020</u>	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
<u>SB 2044</u>	Damaging Critical Infrastructure Penalty		PASSED
<u>SB 2090</u>	Permits for the Appropriation of Water	PASSED	PASSED
<u>SB 2091</u>	Floodplain Management Community Standards	PASSED	PASSED
<u>SB 2139</u>	Snagging and Clearing		PASSED
<u>SB 2148</u>	Measure 1 Lobbyist Bill		PASSED

<u>SB 2213</u>	SW Water Authority Permanent Mill Levy	FAILED	PASSED
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund		PASSED
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		PASSED
<u>SB 2295</u>	Limiting Creation of Irrigation Districts	PASSED	PASSED
<u>SB 2342</u>	Noise Restrictions on Watercraft	PASSED	PASSED
<u>SB 2358</u>	Definition of a Watercourse		PASSED
<u>SCR 4009</u>	Joint Water Resource Board Study	PASSED	PASSED

Uecker, Jodi

From: Geoff Simon <geoff@ndenergy.org>
Sent: Friday, January 4, 2019 5:36 PM
To: Uecker, Jodi
Subject: Here are the week's top North Dakota energy stories

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

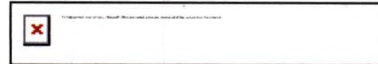


January 4, 2019 - Let There Be Light



The New Year arrived dark and cold in North Dakota's capital city, but with legislators moving in, the Capitol will be lit up with activity the next 80 days.

Burgum: "Cusp of a New Era in North Dakota" Governor Touts TR Library in State of State Message



Opening his third State of the State address, Gov. Doug Burgum shared a positive view of North Dakota's position in the nation and the world. Dynamic economic growth and opportunity place us, he said, at "the cusp of a new era in North Dakota's history."

Leading the way is growth in the state's energy industry where Burgum said oil and gas producers continue to shatter records.

Click [here](#) to listen to Burgum's vision of opportunities in the oil and gas sector.

The lignite industry, Burgum said, continues to innovate and invest while providing essential baseload electricity to the grid. It's happening "despite long-term economic and regulatory uncertainty created by over-reaching federal policy in the previous administration," he said.

Click [here](#) to listen to Burgum's comments about Project Tundra.

A persistent challenge for all North Dakota businesses and industries is a workforce shortage which the Governor said is limiting the state's economic growth. Burgum wants to dedicate \$30 million in Legacy Fund earnings to establish more career academies around the state.

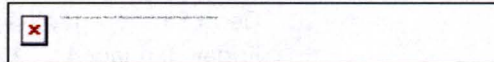
Click [here](#) to listen to more of Burgum's comments on workforce solutions.

In closing his 59-minute speech, Gov. Burgum renewed his pitch for \$50 million for the Theodore Roosevelt Presidential Library and Museum at the entrance to the national park near Medora. He proposed spending \$50 million in Legacy Fund earnings to be matched 2-to-1 by private donations.

Click [here](#) to listen to Burgum's comments about the presidential library.

Click [here](#) to see a video of Gov. Burgum's address. Click [here](#) for a transcript of his speech.

Bill Aimed at Protecting Infrastructure



The ND Legislature will be asked to consider a bill that will increase penalties for environmental protesters and others who cause deliberate damage to pipelines and other critical infrastructure.

The legislation's prime sponsor is Senator Janne Myrdal, R-Edinburg, who she was motivated to introduce the bill by an act of eco-terrorism in her district. Myrdal said the perpetrators were caught and prosecuted, but industry and law enforcement officials feel the criminal penalties are too weak.

Click [here](#) to listen to Myrdal's comments.

Myrdal said the bill ([SB 2044](#)) would not only increase penalties for intentional damage to infrastructure, it would also impose penalties on organizations that support acts of eco-terrorism.

Click [here](#) to listen to Myrdal's comments.

Myrdal said she wants to protect the freedom of speech rights of environmental protesters, but acts of vandalism cannot be tolerated and should carry severe penalties.

Wardner Optimistic about Prairie Dog Bill First Hearing Will Occur the Week of January 14



As the 2019 legislative session gets underway, Senate Majority Leader Rich Wardner said he's optimistic about prospects for passage of "Operation Prairie Dog," which would revise the oil tax distribution formula for hub cities and others in western North Dakota, as well as create infrastructure "buckets" for non-oil regions.

Wardner, who developed the funding legislation in cooperation with other legislators over the interim, said there's support for the bill throughout the state. He said its chance of passage looks good.

Click [here](#) to listen to Wardner's comments.

The proposal has been introduced as [HB 1066](#). Its House sponsor is Rep. Mike Nathe, R-Bismarck. The bill will be heard by the House Finance and Taxation Committee the week of January 14, according to Committee Chairman Craig Headland, R-Montpelier.

Click [here](#) to see Senator Wardner's slide presentation about Operation Prairie Dog.

Legislature to Consider Seat Belt Bill



North Dakota lawmakers will consider a bill this session that would make it a primary offense if the driver or occupants of a vehicle fail to use a seat belt.

Senator Curt Kreun, R-Grand Forks, is sponsoring legislation that would allow law enforcement to stop drivers if they are not wearing a seat belt. Currently the law only allows officers to issue a seat belt citation if the driver is first pulled over for another traffic offense. Kreun's bill ([SB 2060](#)) would also require backseat occupants to wear a seat belt. Current law applies only to front seat passengers.

Kreun said people will argue they should not be forced to wear a seat belt. But he says the costs of injury and death are not only borne by the family of the victim, many times they affect society as a whole.

Click [here](#) to listen to Kreun's comments.

Kreun thinks the state has gotten lax in stressing to young people the importance of wearing seat belts.

Click [here](#) to listen to Kreun's comments.

The legislation had its initial hearing this morning in the Senate Transportation Committee. No action was taken, and the hearing will continue next Thursday, January 10.

New House Leader Offers His Perspective



The North Dakota Legislature's new House Majority Leader is not one to be rushed into making a decision on policy issues.

Rep. Chet Pollert, R-Carrington, was elected leader by House Republicans at a GOP Caucus meeting in November, succeeding Rep. Al Carlson of Fargo who lost his bid for re-election. Pollert said as the leader of the Republican caucus, he wants to hear all sides of an issue before taking a position.

Click [here](#) to listen to Pollert's comments.

It should surprise no one that Pollert sees spending issues, particularly meeting the state's infrastructure needs and dealing with the state's workforce shortage, as the major issues this session.

Click [here](#) to listen to Pollert's comments.

Pollert was first elected to the North Dakota House of Representatives in 1998. He is owner/operator of a grain and feed business in his district.

Watford City and Williston Vote Next Week Bond measures to address overcrowding issues



In the next 10 years, enrollment in Williston School District #1 is projected to increase by 47.5 percent, adding another 2,400 students to already overcrowded facilities.

Williston voters go to the polls for a special election January 8 to decide whether to fund a \$60 million bond issue to expand Williston High School, build two new elementary schools, and renovate other elementaries in the district. Voters will also decide if the school district can increase its building fund levy from 10 mills to 20 mills.

Click [here](#) for more information about the Williston special election. Click [here](#) to see the building plan.

Voters also head to the polls next Tuesday in Watford City where a similar overcrowding situation has been evolving. Val Kummer, co-chair of the "Vote Yes" Committee, said voters will decide the fate of an additional elementary school and future infrastructure needs.

"The lower primary grades are showing the largest volume of growth with kindergarten continuing to be the largest grade level in the school district," Kummer said. With a bottom-heavy school district, she said the district needs a new elementary school to alleviate pressure being felt in the current elementary school. According to an [informational brochure](#) distributed by the "Vote Yes" Committee, current enrollment in the district is 1,814. By 2025, they expect more than 3,000 students.

If the bond issue is unsuccessful, Kummer said it would be "devastating for the future of Watford City." She said it would force the district to use portable classrooms, making the school environment less conducive for learning, harder to recruit teachers, and make pick-ups and drop-offs more chaotic.

"This is a vote for our kids and our future," Kummer said. "This is an essential checkbox for families looking to make Watford City their home. Good school? Check!"

A second question on the ballot would give the school district discretion to increase the mill levy to fund future facility needs, which the district has no immediate plans to do.

Click [here](#) to see an FAQ about the Watford City project. Click [here](#) for more financial details.

Meridian Energy Engages Morgan Stanley



In a strong signal of forward progress on the Davis Refinery Project in Belfield, Meridian Energy announced today the company has engaged Morgan Stanley to act as joint lead financial advisory, arranger and structuring agent for the major financings necessary for the next steps in development.

Under this arrangement, Morgan Stanley will assist Meridian in originating and structuring equity and debt financings to complete the design, construction and startup of the Davis Refinery project.

In a news release on the announcement, the company announced it has raised a significant portion of the Davis project financing to this point and will continue to do so as Meridian performs additional engineering, procurement and civil construction activities in preparation for the completion of full project financing later in 2019.

ND Chamber: Calling All Entrepreneurs! CEO Roundtable Focus on Implementing Ideas



Steffes Corporation in Dickinson will be the site for the next Greater North Dakota Chamber CEO Roundtable. Mark your calendars for Wed., Jan. 16, from 10 a.m. to 3:30 p.m.

Entrepreneurship will be the focus of the event. Speakers include Matt Dunlevy, president and CEO of SkySkopes, a leading unmanned aircraft systems flight operations company based in Grand Forks.

Paul Steffes, CEO and chief innovation advisor for Steffes, will be joined by Todd Mayer, chief products officer at Steffes. Two educators who specialize in entrepreneurship, Aaron Cummings and Jason File, will round out the day.

Click [here](#) for the full roundtable agenda and event registration.

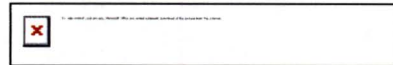
Quick Connect



- District 2 legislators discuss priorities for the 2019 session -- [Tioga Tribune](#)
- Bekkedahl: Operation Prairie Dog to provide funding for Williston -- [KUMV-TV](#)
- Cramer, Armstrong take office in Washington, D.C. -- [Bismarck Tribune](#)
- Public Meeting Jan. 7 to discuss I-94 improvements in Dickinson -- [ND DOT](#)
- Legislature approaches session with caution after budget cuts -- [Fargo Forum](#)
- ND legislative session begins with intrigue as Bastiat Caucus asks for dues -- [SayAnything Blog](#)
- Questions over Lake Sakakawea mineral ownership return to 2019 session -- [Bismarck Tribune](#)
- Dakota Access pipeline developer slow to replace some trees -- [Associated Press](#)
- Williston December numbers show healthcare jobs pushing past energy jobs -- [KFYR-TV](#)
- Tioga economic developer Dennis Lindahl defends efforts to promote city -- [Tioga Tribune](#)

- McKenzie County employees to see salary increase in 2019 -- [McKenzie County Farmer](#)
- Divide County ag parcels see biggest tax bumps following valuation increase -- [Crosby Journal](#)
- Crime stats show decrease for third consecutive year in Divide County -- [Crosby Journal](#)
- Robert Roed sworn in as Ward County sheriff replacing Bob Barnard -- [Minot Daily News](#)
- Gerald Illerbrun passes: Williston loses a long-time oilfield champion -- [Williston Herald](#)
- NDATC announces rebrand: Broadband Association of North Dakota -- [Bowman County Pioneer](#)
- OPEC-led cuts should re-balance oil market in Q1: UAE energy minister -- [S&P Global Platts](#)
- U.S. is the champion of energy realism, recognizes value of fossil fuels -- [Real Clear Energy](#)
- Couple stranded in Bowman thankful for "North Dakota nice" experience -- [Bismarck Tribune](#)

Factoid of the Week -- 80 Days!



The ND Constitution limits legislative sessions to 80 days. The 2019 calendar shows the magic 80th day to be Tuesday, April 30. This is the 66th legislative session. The first session consisted of a Council with nine members and a House of Representatives with 13 members. The 1st Territorial Legislative Assembly convened in Yankton, Dakota Territory, on Monday, March 17, 1862.

Source: [North Dakota Legislative Council](#)

Source: [1862 Territorial Legislative Assembly](#)



Upcoming Events

January 6

[Williston Basin Chapter API Monthly Meeting](#)

Williston

January 10

Transportation Day at the Capitol

Bismarck

January 17

[Vision West Consortium](#)

Dickinson

January 18

[North Dakota Industrial Commission](#)

Bismarck

January 22

Lignite Energy Council legislative reception

Ramkota - Bismarck

January 22
[ND Aeronautics Commission](#)
Bismarck

January 28
[Southwest Night at the Legislature](#)
Capitol

January 29-31
[Annual Road Conference](#)
Grand Forks

February 9
[38th Annual API Chili Cook-Off](#)
Williston

February 25-26
[ND Reclamation Conference](#)
Dickinson

July 16-17
[Bakken Conference & Expo](#)
Bismarck

Oil prices and rig count



January 4, 2019

WTI Crude: \$47.96
Brent Crude: \$57.34
Natural Gas: \$3.04

North Dakota Active Rigs: 63 (dn 3) 1/4/2018 -- 54 rigs

[Click here to subscribe to this weekly newsletter](#)

Geoff Simon
Editor/Executive Director

geoff@ndenergy.org
<http://ndenergy.org>

Western Dakota Energy Association | 1661 Capitol Way, Bismarck, ND 58501

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Sent by geoff@ndenergy.org in collaboration with

Murphy, Charles W.

From: Oliver, Leslie B.
Sent: Monday, April 01, 2019 2:37 PM
To: -Grp-GO All Staff
Cc: Hauge, Stephanie A.
Subject: Open Records Request

All:

We received an open records request from Jamie Corey, a journalist working through Muckrock. He requests the following records:

"[A]ll records that pertain to Senate Bill 2044, which was introduced by Senators Myrdal, Unruh, Oehlke and Representatives Schmidt, Damschen."

Please search your emails and text messages for any record pertaining to SB 2044, from October 1, 2018 to the present. Once you've identified your responsive documents, save them to a .pdf and forward to Stephanie, OR, print hard copies and give them to Steph. If your search finds nothing responsive, please print and sign this email, with a notation that you found no records pertaining to SB 2044.

Thank you.

Leslie Bakken Oliver
General Counsel
Office of the Governor

*- No Records - Gov. Rep., Charles Murphy
4/1/19*

Bachmeier, Levi

From: Oliver, Leslie B.
Sent: Monday, April 1, 2019 2:37 PM
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Thank you.

Leslie Bakken Oliver
General Counsel
Office of the Governor

I have no records
responsive to this request



3 Apr 19



1917

...

...

...

...

I have no more

to say to you

Yours truly
J. H. S.

Haase, Reice J.

From: Geoff Simon <geoff@ndenergy.org>
Sent: Friday, December 21, 2018 5:54 PM
To: Haase, Reice J.
Subject: Here are the week's top North Dakota energy stories

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December 21, 2018

Pipeline Research Capturing National Attention Growing Out-of-State Interest in ND Leak Prevention Effort



Earlier this year the North Dakota Industrial Commission approved a research grant to iPIPE, an industry-led effort to identify and reduce pipeline leaks, and already the program is attracting interest from companies around the country.

"We have growing out-of-state interest," said Jay Almlie, Principal Engineer for the Energy and Environmental Research Center at the University of North Dakota. "It's saying, 'North Dakota has set up a program that the rest of the nation really likes.'"

Almlie provided an update this week to the ND Oil and Gas Research Council about iPIPE, which stands for Intelligent Pipeline Integrity Program. He said the research effort began with six industry partners, but has now grown to eight and more are interested. One of the new members is DCP Midstream, a subsidiary of Phillips 66, which Almlie says has no operations in North Dakota.

"They came to us and asked if they could be members, we didn't go solicit them," Almlie said. "And for every DCP, there are three others in the wings now in discussions with us talking about, 'can we join?'"

EERC serves as coordinator of the research project. Industry partners provide matching funds to support research into cutting-edge leak detection and prevention technology. The effort was launched in response to a challenge to the industry by Governor Doug Burgum to achieve zero pipeline leaks. While eliminating every leak may not be possible, Almlie said iPIPE will get the industry very close.

"I think the goal is to take four 9's -- 99.99% reliable pipeline operation -- and make it five or six 9's," Almlie said.

Click [here](#) to see Almlie's slide presentation.

WDEA Forms Education Subcommittee



The Executive Committee of the Western Dakota Energy Associated voted this week to form a subcommittee to look for ways to help school districts challenged with coming up with funds to pay for additional classroom space.

Increasing enrollment numbers related to growth in the oil sector are forcing many western districts to develop expansion plans. WDEA President Gary Wilz, the superintendent of the Killdeer School District,

said classrooms in his district start to get crowded with 500 students. This fall, counting pre-schoolers, he said the student count is 617. Wilz said the district is working with an architect and is conducting public meetings to develop a solution to its building needs.

Click [here](#) to listen to Wilz' comments.

Similar growth challenges are happening in school districts all across the Bakken. Leslie McDonald, the school superintendent in Alexander, says her district's expansion plans are on hold for now, but her school board will take another look as the community's population continues to grow. McDonald said the public needs to understand the important role that good schools play in attracting workforce.

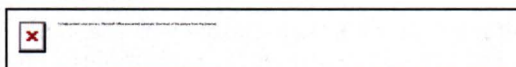
Click [here](#) to listen to McDonald's comments.

Several possible solutions to address school building needs will be discussed by the education subcommittee for possible consideration by the 2019 North Dakota Legislature. Districts interested in participating in the discussion should [email](#) WDEA Executive Director Geoff Simon.

Superintendents Wilz and McDonald were interviewed by Simon during a recent edition of the radio program, *Energy Matters*. Click [here](#) and advance to the 1:05 mark to hear the interview with Gary Wilz. Click [here](#) and advance to the 30:02 mark to hear the interview with Leslie McDonald.

Energy Matters airs every Tuesday from 3:00–5:00 CST on KFYZ and KLTC Radio, and is rebroadcast Saturday on WZFG and KTGO Radio.

2019 Bill Pre-Filing is Underway Operation Prairie Dog is House Bill 1066



More than 200 pieces of legislation to be considered by North Dakota's 66th Legislative Assembly have already been pre-filed for the public's review.

To date the ND Legislative [website](#) shows 97 House bills and 116 Senate bills are already in the hopper. Among them is the Operation Prairie Dog bill, legislation that provides funding for the hub cities of Dickinson, Minot and Williston, and tweaks the formula for distributing gross production tax revenue to oil-impacted political subdivisions. The measure, which would also create infrastructure funding "buckets" for non-oil cities, counties and townships, is [House Bill 1066](#).

About 60 of the pre-filed bills are appropriations measures that would provide funding to various state agencies in the upcoming 2019-21 biennium. Other bills of interest already in the hopper include [HB 1097](#) related to Sunday closing laws, [SB 2044](#) related to tampering with or damaging a critical infrastructure facility or a public service, and [SB 2061](#) which would establish road use fees for electric vehicles.

Lignite Industry to Promote EOR Legislation

Members of the Lignite Energy Council plan to pursue legislation in 2019 that would promote the use of carbon dioxide captured from coal facilities for use in enhanced oil recovery operations.

LEC President Jason Bohrer explained the proposal to members of the ND Empower Commission at a meeting last week. Bohrer said the draft legislation would provide a 20-year exemption from the state's oil extraction tax for incremental production from a well using carbon dioxide mainly derived from coal facilities.

Bohrer said the legislation would provide a dual incentive for the state's oil industry to pursue CO2 enhanced recovery, as well as creating a new revenue stream for the lignite industry as it works to insulate itself from potential CO2 regulations.

Click [here](#) to read the Lignite Council's white paper on the topic.

Davis Refinery Work Underway Off-Site



Just because equipment is idle at the site of the Davis Refinery near Belfield doesn't mean there's no work going on. Components are being fabricated in Houston, while at the site a crew is maintaining environmental control, limiting the erosive qualities of North Dakota's wind and water runoff.

"Ponds, ditches, erosion control are built to stabilize the site," said Adam Williams, Director of Communications for Meridian Energy Group, owner of the refinery. "If there's a spring runoff of snow, it will flow into the pond."

Millions of cubic yards of dirt have been moved, preparing the site for construction with more on-site work to begin in the spring. The entire site, including buffer areas, is 600 acres. The initial dirt work covers about 150 acres where the plant will be situated. Williams said the city of Belfield and southwestern North Dakota will see more people and more activity in the spring.

"We're looking forward to becoming a greater part of the community," Williams said.

Meridian Energy CEO William Prentice said the community has been outspoken in its support for the refinery. In an interview with Jason Spiess and the Crude Life Network, Prentice [said](#) he anticipates even more excitement when spring arrives. That's when steel will start rolling into the site, and more people will be added to the project.

Prentice [said](#) the "state-of-the-art" research that went into designing the Davis Refinery could be used to build other refineries.

Click [here](#) to listen to Spiess' 16-minute Crude Life interview with William Prentice.

Tioga's Micro Retail Leads to Big Opportunities



Elaborate sheds on Tioga's Main Street are a different kind of retail district. They're called micro retail -- small buildings in downtown Tioga giving retail businesses an opportunity to sell to the public without the overhead expense of a full-size store.

"We want to encourage growth," said Dennis Lindahl, Community Development Coordinator for Tioga. "It's difficult to attract small retail business, so we purchased two small 200-square-foot sheds, dressed them up and rent them to people who want to start a business in Tioga."

The first two buildings have been rented to a dress shop and a bakery. Each pays \$200-a-month rent which includes electricity. Lindahl said more businesses are interested in starting on a micro level.

Click [here](#) to read the full story with photos on the coming growth in Tioga.

Roughneck Coffee Catching on in the Bakken Company Planning Roastery Facility in Williston



"Fueling the People, Fueling America" is a catchy slogan that perfectly describes a recent Bakken business start-up quickly gaining popularity among coffee drinkers working for and with the oil industry.

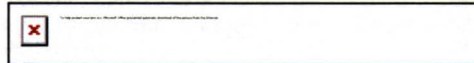
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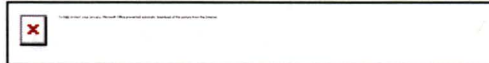
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Image produced by [Brian Brettschneider](#)

Source: [Timeanddate.com](#) and [Sunrise-Sunset.org](#)



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July 16-17

[Bakken Conference & Expo](#)

Bismarck

Oil prices and rig count

December 21, 2018

WTI Crude: \$45.59
Brent Crude: \$53.50
Natural Gas: \$3.72

North Dakota Active Rigs: 69 (up 2) 12/21/2017 -- 52 rigs

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Geoff Simon
Editor/Executive Director

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<http://ndenergy.org>

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Sent: Wednesday, December 26, 2018 1:32 PM
To: Doug Burgum
Subject: Fw: Here are the week's top North Dakota energy stories

First one on I-Pipe is a good one

From: Geoff Simon <geoff@ndenergy.org>
Sent: Friday, December 21, 2018 5:53 PM
To: Sanford, Brent
Subject: Here are the week's top North Dakota energy stories

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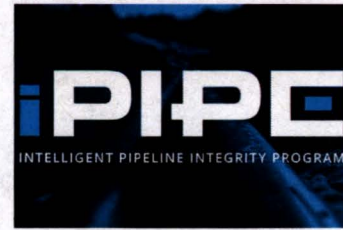


December 21, 2018

Pipeline Research Capturing National Attention

Growing Out-of-State Interest in ND Leak Prevention Effort

Earlier this year the North Dakota Industrial Commission approved a research grant to iPIPE, an industry-led effort to identify and reduce pipeline leaks, and already the program is attracting interest from companies around the country.



"We have growing out-of-state interest," said Jay Almlie, Principal Engineer for the Energy and Environmental Research Center at the University of North Dakota. "It's saying, 'North Dakota has set up a program that the rest of the nation really likes.'"

Almlie provided an update this week to the ND Oil and Gas Research Council about iPIPE, which stands for Intelligent Pipeline Integrity Program. He said the research effort began with six industry partners, but has now grown to eight and more are interested. One of the new members is DCP Midstream, a subsidiary of Phillips 66, which Almlie says has no operations in North Dakota.

"They came to us and asked if they could be members, we didn't go solicit them," Almlie said. "And for every DCP, there are three others in the wings now in discussions with us talking about, 'can we join?'"

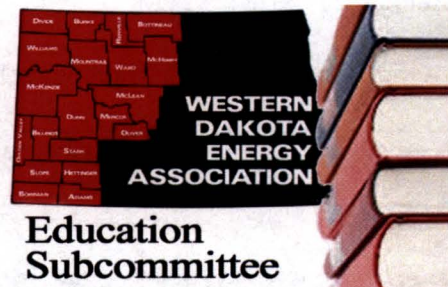
EERC serves as coordinator of the research project. Industry partners provide matching funds to support research into cutting-edge leak detection and prevention technology. The effort was launched in response to a challenge to the industry by Governor Doug Burgum to achieve zero pipeline leaks. While eliminating every leak may not be possible, Almlie said iPIPE will get the industry very close.

"I think the goal is to take four 9's -- 99.99% reliable pipeline operation -- and make it five or six 9's," Almlie said.

Click [here](#) to see Almlie's slide presentation.

WDEA Forms Education Subcommittee

The Executive Committee of the Western Dakota Energy Associated voted this week to form a subcommittee to look for ways to help school districts challenged with coming up with funds to pay for additional classroom space.



Increasing enrollment numbers related to growth in the oil sector are forcing many western districts to develop expansion plans. WDEA President Gary Wilz, the superintendent of the Killdeer School District, said classrooms in his district start to get crowded with 500 students. This fall, counting pre-schoolers, he said the student count is 617. Wilz said the district is working with an architect and is conducting public meetings to develop a solution to its building needs.

Click [here](#) to listen to Wilz' comments.

Similar growth challenges are happening in school districts all across the Bakken. Leslie McDonald, the school superintendent in Alexander, says her district's expansion plans are on hold for now, but her school board will take another look as the community's population continues to grow. McDonald said the public needs to understand the important role that good schools play in attracting workforce.

Click [here](#) to listen to McDonald's comments.

Several possible solutions to address school building needs will be discussed by the education subcommittee for possible consideration by the 2019 North Dakota Legislature. Districts interested in participating in the discussion should [email](#) WDEA Executive Director Geoff Simon.

Superintendents Wilz and McDonald were interviewed by Simon during a recent edition of the radio program, *Energy Matters*. Click [here](#) and advance to the 1:05 mark to hear the interview with Gary Wilz. Click [here](#) and advance to the 30:02 mark to hear the interview with Leslie McDonald.

Energy Matters airs every Tuesday from 3:00–5:00 CST on KFYZ and KLTC Radio, and is rebroadcast Saturday on WZFG and KTGO Radio.

2019 Bill Pre-Filing is Underway Operation Prairie Dog is House Bill 1066

More than 200 pieces of legislation to be considered by North Dakota's 66th Legislative Assembly have already been pre-filed for the public's review.

To date the ND Legislative [website](#) shows 97 House bills and 116 Senate bills are already in the hopper. Among them is the Operation Prairie Dog bill, legislation that provides funding for the hub cities of Dickinson, Minot and Williston, and tweaks the formula for distributing gross production tax revenue to oil-impacted political subdivisions. The measure, which would also create infrastructure funding "buckets" for non-oil cities, counties and townships, is [House Bill 1066](#).



About 60 of the pre-filed bills are appropriations measures that would provide funding to various state agencies in the upcoming 2019-21 biennium. Other bills of interest already in the hopper include [HB 1097](#) related to Sunday closing laws, [SB 2044](#) related to tampering with or damaging a critical infrastructure facility or a public service, and [SB 2061](#) which would establish road use fees for electric vehicles.

Lignite Industry to Promote EOR Legislation

Members of the Lignite Energy Council plan to pursue legislation in 2019 that would promote the use of carbon dioxide captured from coal facilities for use in enhanced oil recovery operations.

LEC President Jason Bohrer explained the proposal to members of the ND Empower Commission at a meeting last week. Bohrer said the draft legislation would provide a 20-year exemption from the state's oil extraction tax for incremental production from a well using carbon dioxide mainly derived from coal facilities.

Bohrer said the legislation would provide a dual incentive for the state's oil industry to pursue CO2 enhanced recovery, as well as creating a new revenue stream for the lignite industry as it works to insulate itself from potential CO2 regulations.

Click [here](#) to read the Lignite Council's white paper on the topic.

Davis Refinery Work Underway Off-Site

Just because equipment is idle at the site of the Davis Refinery near Belfield doesn't mean there's no work going on. Components are being fabricated in Houston, while at the site a crew is maintaining environmental control, limiting the erosive qualities of North Dakota's wind and water runoff.

"Ponds, ditches, erosion control are built to stabilize the site," said Adam Williams, Director of Communications for Meridian Energy Group, owner of the refinery. "If there's a spring runoff of snow, it will flow into the pond."



Scrapers are parked at the Davis Refinery site near Belfield.

Millions of cubic yards of dirt have been moved, preparing the site for construction with more on-site work to begin in the spring. The entire site, including buffer areas, is 600 acres. The initial dirt work covers about 150 acres where the plant will be situated. Williams said the city of Belfield and southwestern North Dakota will see more people and more activity in the spring.

"We're looking forward to becoming a greater part of the community," Williams said.

Meridian Energy CEO William Prentice said the community has been outspoken in its support for the refinery. In an interview with Jason Spiess and the Crude Life Network, Prentice [said](#) he anticipates even more excitement when spring arrives. That's when steel will start rolling into the site, and more people will be added to the project.

Prentice [said](#) the "state-of-the-art" research that went into designing the Davis Refinery could be used to build other refineries.

Click [here](#) to listen to Spiess' 16-minute Crude Life interview with William Prentice.

Tioga's Micro Retail Leads to Big Opportunities

Elaborate sheds on Tioga's Main Street are a different kind of retail district. They're called micro retail -- small buildings in downtown Tioga giving retail businesses an opportunity to sell to the public without the overhead expense of a full-size store.

"We want to encourage growth," said Dennis Lindahl, Community Development Coordinator for Tioga. "It's difficult to attract small retail business, so we purchased two small 200-square-foot sheds, dressed them up and rent them to people who want to start a business in Tioga."



The first two buildings have been rented to a dress shop and a bakery. Each pays \$200-a-month rent which includes electricity. Lindahl said more businesses are interested in starting on a micro level.

Click [here](#) to read the full story with photos on the coming growth in Tioga.

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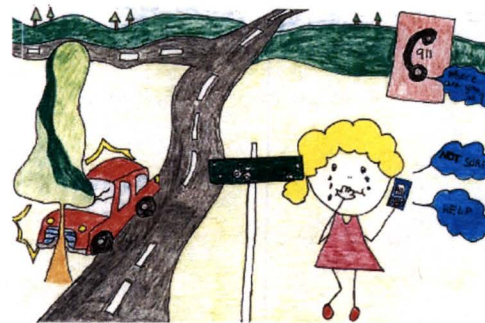
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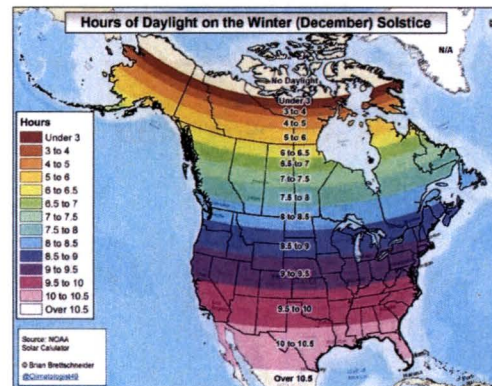
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Image produced by [Brian Brettschneider](#)

Source: [Timeanddate.com](#) and [Sunrise-Sunset.org](#)



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January 4, 2019 - Let There Be Light



The New Year arrived dark and cold in North Dakota's capital city, but with legislators moving in, the Capitol will be lit up with activity the next 80 days.

Burgum: "Cusp of a New Era in North Dakota" Governor Touts TR Library in State of State Message



Opening his third State of the State address, Gov. Doug Burgum shared a positive view of North Dakota's position in the nation and the world. Dynamic economic growth and opportunity place us, he said, at "the cusp of a new era in North Dakota's history."

Leading the way is growth in the state's energy industry where Burgum said oil and gas producers continue to shatter records.

Click [here](#) to listen to Burgum's vision of opportunities in the oil and gas sector.

The lignite industry, Burgum said, continues to innovate and invest while providing essential baseload electricity to the grid. It's happening "despite long-term economic and regulatory uncertainty created by over-reaching federal policy in the previous administration," he said.

Click [here](#) to listen to Burgum's comments about Project Tundra.

A persistent challenge for all North Dakota businesses and industries is a workforce shortage which the Governor said is limiting the state's economic growth. Burgum wants to dedicate \$30 million in Legacy Fund earnings to establish more career academies around the state.

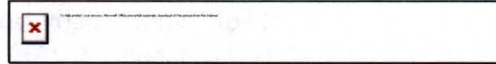
Click [here](#) to listen to more of Burgum's comments on workforce solutions.

In closing his 59-minute speech, Gov. Burgum renewed his pitch for \$50 million for the Theodore Roosevelt Presidential Library and Museum at the entrance to the national park near Medora. He proposed spending \$50 million in Legacy Fund earnings to be matched 2-to-1 by private donations.

Click [here](#) to listen to Burgum's comments about the presidential library.

Click [here](#) to see a video of Gov. Burgum's address. Click [here](#) for a transcript of his speech.

Bill Aimed at Protecting Infrastructure



The ND Legislature will be asked to consider a bill that will increase penalties for environmental protesters and others who cause deliberate damage to pipelines and other critical infrastructure.

The legislation's prime sponsor is Senator Janne Myrdal, R-Edinburg, who she was motivated to introduce the bill by an act of eco-terrorism in her district. Myrdal said the perpetrators were caught and prosecuted, but industry and law enforcement officials feel the criminal penalties are too weak.

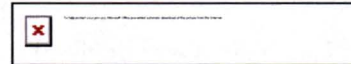
Click [here](#) to listen to Myrdal's comments.

Myrdal said the bill ([SB 2044](#)) would not only increase penalties for intentional damage to infrastructure, it would also impose penalties on organizations that support acts of eco-terrorism.

Click [here](#) to listen to Myrdal's comments.

Myrdal said she wants to protect the freedom of speech rights of environmental protesters, but acts of vandalism cannot be tolerated and should carry severe penalties.

Wardner Optimistic about Prairie Dog Bill First Hearing Will Occur the Week of January 14



As the 2019 legislative session gets underway, Senate Majority Leader Rich Wardner said he's optimistic about prospects for passage of "Operation Prairie Dog," which would revise the oil tax distribution formula for hub cities and others in western North Dakota, as well as create infrastructure "buckets" for non-oil regions.

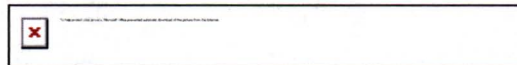
Wardner, who developed the funding legislation in cooperation with other legislators over the interim, said there's support for the bill throughout the state. He said its chance of passage looks good.

Click [here](#) to listen to Wardner's comments.

The proposal has been introduced as [HB 1066](#). Its House sponsor is Rep. Mike Nathe, R-Bismarck. The bill will be heard by the House Finance and Taxation Committee the week of January 14, according to Committee Chairman Craig Headland, R-Montpelier.

Click [here](#) to see Senator Wardner's slide presentation about Operation Prairie Dog.

Legislature to Consider Seat Belt Bill



North Dakota lawmakers will consider a bill this session that would make it a primary offense if the driver or occupants of a vehicle fail to use a seat belt.

Senator Curt Kreun, R-Grand Forks, is sponsoring legislation that would allow law enforcement to stop drivers if they are not wearing a seat belt. Currently the law only allows officers to issue a seat belt citation if the driver is first pulled over for another traffic offense. Kreun's bill ([SB 2060](#)) would also require backseat occupants to wear a seat belt. Current law applies only to front seat passengers.

Kreun said people will argue they should not be forced to wear a seat belt. But he says the costs of injury and death are not only borne by the family of the victim, many times they affect society as a whole.

Click [here](#) to listen to Kreun's comments.

Kreun thinks the state has gotten lax in stressing to young people the importance of wearing seat belts.

Click [here](#) to listen to Kreun's comments.

The legislation had its initial hearing this morning in the Senate Transportation Committee. No action was taken, and the hearing will continue next Thursday, January 10.

New House Leader Offers His Perspective



The North Dakota Legislature's new House Majority Leader is not one to be rushed into making a decision on policy issues.

Rep. Chet Pollert, R-Carrington, was elected leader by House Republicans at a GOP Caucus meeting in November, succeeding Rep. Al Carlson of Fargo who lost his bid for re-election. Pollert said as the leader of the Republican caucus, he wants to hear all sides of an issue before taking a position.

Click [here](#) to listen to Pollert's comments.

It should surprise no one that Pollert sees spending issues, particularly meeting the state's infrastructure needs and dealing with the state's workforce shortage, as the major issues this session.

Click [here](#) to listen to Pollert's comments.

Pollert was first elected to the North Dakota House of Representatives in 1998. He is owner/operator of a grain and feed business in his district.

Watford City and Williston Vote Next Week Bond measures to address overcrowding issues



In the next 10 years, enrollment in Williston School District #1 is projected to increase by 47.5 percent, adding another 2,400 students to already overcrowded facilities.

Williston voters go to the polls for a special election January 8 to decide whether to fund a \$60 million bond issue to expand Williston High School, build two new elementary schools, and renovate other elementaries in the district. Voters will also decide if the school district can increase its building fund levy from 10 mills to 20 mills.

Click [here](#) for more information about the Williston special election. Click [here](#) to see the building plan.

Voters also head to the polls next Tuesday in Watford City where a similar overcrowding situation has been evolving. Val Kummer, co-chair of the "Vote Yes" Committee, said voters will decide the fate of an additional elementary school and future infrastructure needs.

"The lower primary grades are showing the largest volume of growth with kindergarten continuing to be the largest grade level in the school district," Kummer said. With a bottom-heavy school district, she said the district needs a new elementary school to alleviate pressure being felt in the current elementary school. According to an [informational brochure](#) distributed by the "Vote Yes" Committee, current enrollment in the district is 1,814. By 2025, they expect more than 3,000 students.

If the bond issue is unsuccessful, Kummer said it would be "devastating for the future of Watford City." She said it would force the district to use portable classrooms, making the school environment less conducive for learning, harder to recruit teachers, and make pick-ups and drop-offs more chaotic.

"This is a vote for our kids and our future," Kummer said. "This is an essential checkbox for families looking to make Watford City their home. Good school? Check!"

A second question on the ballot would give the school district discretion to increase the mill levy to fund future facility needs, which the district has no immediate plans to do.

Click [here](#) to see an FAQ about the Watford City project. Click [here](#) for more financial details.

Meridian Energy Engages Morgan Stanley



In a strong signal of forward progress on the Davis Refinery Project in Belfield, Meridian Energy announced today the company has engaged Morgan Stanley to act as joint lead financial advisory, arranger and structuring agent for the major financings necessary for the next steps in development.

Under this arrangement, Morgan Stanley will assist Meridian in originating and structuring equity and debt financings to complete the design, construction and startup of the Davis Refinery project.

In a news release on the announcement, the company announced it has raised a significant portion of the Davis project financing to this point and will continue to do so as Meridian performs additional engineering, procurement and civil construction activities in preparation for the completion of full project financing later in 2019.

ND Chamber: Calling All Entrepreneurs! CEO Roundtable Focus on Implementing Ideas



Steffes Corporation in Dickinson will be the site for the next Greater North Dakota Chamber CEO Roundtable. Mark your calendars for Wed., Jan. 16, from 10 a.m. to 3:30 p.m.

Entrepreneurship will be the focus of the event. Speakers include Matt Dunlevy, president and CEO of SkySkopes, a leading unmanned aircraft systems flight operations company based in Grand Forks.

Paul Steffes, CEO and chief innovation advisor for Steffes, will be joined by Todd Mayer, chief products officer at Steffes. Two educators who specialize in entrepreneurship, Aaron Cummings and Jason File, will round out the day.

Click [here](#) for the full roundtable agenda and event registration.

Quick Connect



- District 2 legislators discuss priorities for the 2019 session -- [Tioga Tribune](#)
- Bekkedahl: Operation Prairie Dog to provide funding for Williston -- [KUMV-TV](#)
- Cramer, Armstrong take office in Washington, D.C. -- [Bismarck Tribune](#)
- Public Meeting Jan. 7 to discuss I-94 improvements in Dickinson -- [ND DOT](#)
- Legislature approaches session with caution after budget cuts -- [Fargo Forum](#)
- ND legislative session begins with intrigue as Bastiat Caucus asks for dues -- [SayAnything Blog](#)
- Questions over Lake Sakakawea mineral ownership return to 2019 session -- [Bismarck Tribune](#)
- Dakota Access pipeline developer slow to replace some trees -- [Associated Press](#)
- Williston December numbers show healthcare jobs pushing past energy jobs -- [KFYR-TV](#)
- Tioga economic developer Dennis Lindahl defends efforts to promote city -- [Tioga Tribune](#)

- McKenzie County employees to see salary increase in 2019 -- [McKenzie County Farmer](#)
- Divide County ag parcels see biggest tax bumps following valuation increase -- [Crosby Journal](#)
- Crime stats show decrease for third consecutive year in Divide County -- [Crosby Journal](#)
- Robert Roed sworn in as Ward County sheriff replacing Bob Barnard -- [Minot Daily News](#)
- Gerald Illerbrun passes: Williston loses a long-time oilfield champion -- [Williston Herald](#)
- NDATC announces rebrand: Broadband Association of North Dakota -- [Bowman County Pioneer](#)
- OPEC-led cuts should re-balance oil market in Q1: UAE energy minister -- [S&P Global Platts](#)
- U.S. is the champion of energy realism, recognizes value of fossil fuels -- [Real Clear Energy](#)
- Couple stranded in Bowman thankful for "North Dakota nice" experience -- [Bismarck Tribune](#)

Factoid of the Week -- 80 Days!



The ND Constitution limits legislative sessions to 80 days. The 2019 calendar shows the magic 80th day to be Tuesday, April 30. This is the 66th legislative session. The first session consisted of a Council with nine members and a House of Representatives with 13 members. The 1st Territorial Legislative Assembly convened in Yankton, Dakota Territory, on Monday, March 17, 1862.

Source: [North Dakota Legislative Council](#)

Source: [1862 Territorial Legislative Assembly](#)



Upcoming Events

January 6

[Williston Basin Chapter API Monthly Meeting](#)

Williston

January 10

Transportation Day at the Capitol

Bismarck

January 17

[Vision West Consortium](#)

Dickinson

January 18

[North Dakota Industrial Commission](#)

Bismarck

January 22

Lignite Energy Council legislative reception

Ramkota - Bismarck

January 22
[ND Aeronautics Commission](#)
Bismarck

January 28
[Southwest Night at the Legislature](#)
Capitol

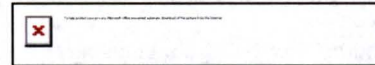
January 29-31
[Annual Road Conference](#)
Grand Forks

February 9
[38th Annual API Chili Cook-Off](#)
Williston

February 25-26
[ND Reclamation Conference](#)
Dickinson

July 16-17
[Bakken Conference & Expo](#)
Bismarck

Oil prices and rig count



January 4, 2019

WTI Crude: \$47.96
Brent Crude: \$57.34
Natural Gas: \$3.04

North Dakota Active Rigs: 63 (dn 3) 1/4/2018 -- 54 rigs

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Haase, Reice J.

From: Haugen, Shelley K.
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North Dakota Water Users *January 11, 2019 No.4*

Legislative Report

As of this morning, more than 600 bills and resolutions have been introduced. This coming Monday marks the final day for representatives to introduce bills, so it is anticipated a number of new bills will drop early next week. January 14 is also the day after which no more than three bills may be introduced by each senator. In addition, a Senate bill containing an appropriation clause may not be introduced after Monday.

Hearing Schedule (January 14 – January 18).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

I. This Week at the Legislature

[HB 1013](#) was heard before the House Appropriations Government Operations Division Committee on Tuesday, January 8. This bill provides an appropriation for defraying the expenses of the commissioner of university and school lands; and to provide for distributions from permanent funds.

[HB 1026](#) was heard before the House Agricultural Committee on Tuesday, January 8. This bill relates to mandatory training for soil conservation district supervisors.

[SB 2040](#) was heard before the Senate Finance and taxation Committee on Wednesday, January 9. This bill excludes property owned by a political subdivision from consideration in protests against special improvement districts.

[HB 1014](#) was heard before the House Appropriations Government Operations Division Committee on Thursday, January 10. This bill provides an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer.

[SB 2020](#) was heard before the Senate Appropriations Committee on Thursday, January 10. This is the appropriations bill for the State Water Commission. Water project sponsors presented their recommendations during the hearing which included status of projects and funding needs for the upcoming biennium. State Engineer Garland Erbele and members of his staff gave an overview of water projects across the state on behalf of the State Water Commission. Members of the committee presented questions having to do with funding and carryover. Water project sponsors also presented their recommendations during the hearing which included status of projects and funding needs for the upcoming biennium. Governor Burgum testified on behalf of the F-M Area Diversion project.

[HB 1087](#) was heard before the House Agricultural Committee on Thursday, January 10. This bill excludes agricultural dams two feet in height or less from requiring an application to be reviewed by the State Engineer.

[SB 2095](#) was heard before the Senate Government and Veterans Affairs Committee on Thursday, January 10. This bill amends the process of expending funds from the disaster relief fund and requires quarterly reports detailing expenditures made from the appropriation.

[SB 2109](#) was heard before the Senate Energy and Natural Resources Committee on Thursday, January 10. This bill creates and amends several sections in NDCC 23.1 regarding the duties and responsibilities of the department of environmental quality.

[HB 1024](#) was heard before the House Appropriations Human Resources Division Committee on Thursday, January 10. This bill provides an appropriation for defraying the expenses of the department of environmental quality.

[SB 2139](#) was heard before the Senate Political Subdivisions Committee on Thursday, January 10. This bill reinstates the ability of the State Water Commission to cost-share snagging and clearing operations.

[HB 1020](#) was heard before the House Appropriations Education and Environment Division on Friday, January 11. This bill provides an appropriation for defraying the expenses of the North Dakota state university extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm.

[SCR 4001](#) was heard before the House Appropriations Committee on Thursday, January 10. This bill amends the process for approving constitutional amendments.

[SB 2091](#) was heard before the Senate Energy and Natural Resources Committee on Friday, January 11. This bill no longer allows permissible structures within a flood fringe to be constructed on fill.

[SB 2090](#) was heard before the Senate Energy and Natural Resources Committee on Friday, January 11. This bill exempts reuse of fossil byproduct water from requiring a water permit, clarifies that a legal interest in the point of diversion or place of use for irrigation water is required, and puts into statute the long-standing practice of having a 30-day comment period on water permit applications. It also increases the costs. All new water permit applications increased from \$200 to \$500, industrial permits are now \$1,000, and amendments are raised to \$100. The \$250 under 2,500 population break will also go away.

019 Water Day

Mark your calendars for Water Day on February 12! The North Dakota Water Coalition and the North Dakota Rural Water Systems Association are hosting a social for all North Dakota legislators **Tuesday, February 12 from 5:00 p.m. – 6:00 p.m.** at the **Ramkota Hotel** in conjunction with Water Day at the Legislature. We urge you to take this opportunity to help us host and to discuss our water needs with our legislators.

III. 2019 Legislative Deadlines and Dates

Date	Topic
January 14	Deadline for representatives to introduce bills
January 21	Deadline for senators to introduce bills
February 12	Rural Water/North Dakota Water Coalition Legislative Social
February 22	Crossover for bills
February 25-26	Recess
March 6	Crossover for resolutions
April 23	Session is limited to 80 legislative days

IV. HEARING SCHEDULE: January 14-18 2019

Date and Time	Bill Number	Short Title	Committee	Room
01/15/2019 8:30 AM	<u>HB 1013</u>	A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; and to provide for distributions from permanent funds.	House Appropriations – Government Operations Division	Medora
01/15/2019 09:00 AM	<u>SCR 4005</u>	Relating to use of the principal and earnings of the legacy fund to create the North Dakota first fund for the purpose of funding permanent infrastructure projects.	Senate Finance and Taxation	Lewis and Clark
01/15/2019 10:00 AM	<u>HB 1066</u>	Relating to infrastructure funds; to amend and reenact subsection 5 of section 57-51-01 and sections 57-51-15, 57-51.1-07.3, and 57-51.1-07.5 of the North Dakota Century Code, relating to oil and gas tax revenue allocations; to provide a continuing appropriation; to provide for a report; and to provide an effective date.	House Finance and Taxation	Fort Totten
01/16/2019 8:30 AM	<u>HB 1014</u>	A BILL for an Act to provide for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer.	House Appropriations – Government Operations Division	Medora
01/16/2019 2:00 PM	<u>HB 1014</u>	A BILL for an Act to provide for an appropriation for defraying the expenses of the industrial commission and	House Appropriations – Government	Medora

		the agencies under the management of the industrial commission; and to provide for a transfer.	Operations Division	
01/17/2019 9:00 AM	HB 1356	Relating to bids, plans, and specifications for public improvements and bond thresholds.	House Political Subdivisions	Prairie
01/17/2019 9:00 AM	SB 2166	Relating to increasing liability limits for political subdivisions.	Senate Political Subdivisions	Red River
01/18/2019 09:00 AM	SB 2044	Relating to tampering with or damaging a critical infrastructure facility or a public service; and to provide a penalty.	Senate Energy and Natural Resources	Fort Lincoln
01/18/2019 10:00 AM	SB 2174	Relating to the election, appointment, terms, and number of water resource board managers.	Senate Energy and Natural Resources	Fort Lincoln
01/18/2019 10:30 AM	HB 1086	Relating to waters of the state. This bill modernizes references to water of which the State Engineer has jurisdiction.	House Agriculture	Peace Garden

VII. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
HB 1013	Appropriation for Defraying Expenses of the Commissioner of School Lands		
HB 1014	Appropriation for Defraying the Expenses of the Industrial Commission		
HB 1020	Appropriation for NDSU		
HB 1024	Appropriation for Defraying Expenses of the Department of Environmental Quality		
HB 1026	Soil Conservation District Manager Training	PASSED	
HB 1067	Municipal Bid Requirements	PASSED	
HB 1085	Drought Disaster Livestock Water Assistance Program	PASSED	
HB 1086	Waters of the State		
HB 1087	Permit to Construct or Modify a Dam, Dike, or Other Device		
HB 1356			

SB 2020	Appropriation for Defraying the Expenses of the State Water Commission		
SB 2040	Political Subdivision Property Exclusion from Protests Against Special Improvement Districts		
SB 2037	Disposal and Transportation of High-Level Radioactive Waste		
SB 2090	Permits for the Appropriation of Water		
SB 2091	Floodplain Management Community Standards		
SB 2095	Expending Funds from the Disaster Relief Fund		
SB 2109	Duties and Responsibilities of the Department of Environmental Quality		
SB 2139	Snagging and Clearing		
SB 2166	Increased Liability Limits for Political Subdivisions		
SCR 4001	Process of Approving Constitutional Amendments		

VIII. Appropriations Committees Adopt Revenue Numbers

The Senate and House Appropriations Committees convened Monday morning in a joint meeting to hear the [legislative revenue forecast](#) for four major tax types (sales and use, motor vehicle excise, individual income, and corporate income) presented by IHS Market. The legislative forecast for the 2019-21 biennium was \$141 million lower than the executive forecast. This is the first session the legislature has hired its own firm to complete a revenue forecast, as this is also a responsibility of the executive branch.

On Wednesday, the Appropriations Committees adopted the revenue numbers they will be utilizing to pass appropriations bills and manage the budget in the coming weeks. Legislators adopted 2019-21 general fund revenues of \$4.17 billion, down slightly from the executive forecast of \$4.24 billion. Both the executive and legislative revenue forecasts will be updated in March.

Because the legislature is using a \$42.50 oil forecast, instead of the Governor's \$46.00 forecast, it has a marked effect on the Resources Trust Fund. The previous revenue projections for water funding totaled \$403M for the 2019-2021 biennium, the legislative revenue forecast will drop that by \$50M.

[Budget information](#) for the 2019-21 biennium is posted on the legislative website.

IX. SCR 4005

SCR 4005 is an important concept that could provide more funding to water projects throughout the state. This measure would create a North Dakota infrastructure fund to be known as the North Dakota first fund to be administered by the North Dakota infrastructure board. The fund would serve as a grant and low-interest revolving loan fund from the principal and earnings of the legacy fund and would provide a procedure for political subdivisions to access grants and low-interest loans for permanent infrastructure projects. It is incredibly important that the water community shows support for this resolution this session.

The full bill text can be found [here](#).

Haase, Reice J.

From: Haugen, Shelley K.
Sent: Monday, January 21, 2019 8:26 AM
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— *North Dakota Water Users* — *January 18, 2019 No.5*

Legislative Report

This session has seen the most bills and resolutions introduced in 10 years.

Monday is the final day for senators to introduce bills, and Thursday is the deadline for introducing resolutions except amendments to the constitution and study resolutions.

Hearing Schedule (January 21 – January 25).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

I. This Week at the Legislature

[HB 1013](#) was heard before the House Appropriations – Government Operations Division Committee on Tuesday, January 15. This bill provides an appropriation for defraying the expenses of the commissioner of university and school lands; and to provide for distributions from permanent funds.

[SCR 4005](#) was heard before the Senate Finance and Taxation Committee on Tuesday, January 15. This bill would create a North Dakota infrastructure fund to be known as the North Dakota first fund to be administered by the North Dakota infrastructure board. The fund would serve as a grant and low-interest revolving loan fund from the principal and earnings of the legacy fund and would provide a procedure for political subdivisions to access grants and low-interest loans for permanent infrastructure projects.

[HB 1066](#) was heard before the House Finance and Taxation Committee on Tuesday, January 15. This bill is widely known as the “Prairie Dog Bill” and revises the formula for the distribution of the gross production tax on oil and gas in a way that will fund Hub Cities and other oil-impacted communities in the 2019-2021 biennium at approximately the same rate as the current biennium. It would also establish “buckets” for non-oil producing cities, counties and township to support infrastructure needs.

[HB 1014](#) was heard before the House Appropriations – Government Operations Division Committee on Wednesday January 16. This bill provides for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer.

[HB 1356](#) was heard before the House Political Subdivisions Committee on Thursday, January 17. This bill requires that the state and its political subdivisions may not engage in the construction of public works involving the practice of professional engineering when the contemplated expenditure for the project exceeds the sum of two hundred fifty thousand dollars, unless the engineering drawings and specifications and estimates have been prepared by, and the construction administration and construction observation services are executed under the supervision of, a registered professional engineer.

[SB 2166](#) was heard before the Senate Political Subdivisions Committee on Thursday, January 17. This bill raises the total liability of political sub divisions from \$250K to \$1M per person and from \$1M to \$4M for any number of claims arising from any single occurrence regardless of the number of political subdivisions, or employees of such political subdivisions, which are involved in that occurrence.

[SB 2044](#) was heard before the Senate Energy and Natural Resources Committee on Friday, January 18. This bill provides penalties for tampering with critical infrastructure and defines what a critical infrastructure facility is.

[SB 2174](#) was heard before the Senate Energy and Natural Resources Committee on Friday, January 18. This bill requires elections for WRD board members and sets term limits.

[HB 1086](#) was heard before the House Agriculture Committee on Friday, January 18. This bill excludes private and fossil byproduct water from eaters of the state and includes diffused surface waters and privately owned waters in non-contributing drainage areas.

[HB 1243](#) was heard before the House Political Subdivisions Committee on Friday, January 18. This bill would require that all easements must be recorded within one hundred eighty days of creation of the easement to be valid. Easements are currently binding between the parties but not binding on parties who pay value for their interest and record that interest. Not recording easements in a certain timeframe should not determine

validity of the easement. NDCC § 47-19-41 already offers protection for a buyer if an easement is not recorded. The buyer is not bound to the easement if it is recorded without their consent.

II. 2019 Water Day

Mark your calendars for Water Day on February 12! The North Dakota Water Coalition and the North Dakota Rural Water Systems Association are hosting a breakfast and a social for all North Dakota legislators **Tuesday, February 12** from **8:00 a.m. – 9:00 a.m.** in the **Brynhild Haugland room** at the capitol and **5:00 p.m. – 6:00 p.m.** at the **Ramkota Hotel** in conjunction with Water Day at the Legislature. We urge you to take this opportunity to help us host and to discuss our water needs with our legislators.

III. 2019 Legislative Deadlines and Dates

January 21	Deadline for senators to introduce bills
February 12	Rural Water/North Dakota Water Coalition Legislative Social
February 22	Crossover for bills
February 25-26	Recess
March 6	Crossover for resolutions
April 23	Session is limited to 80 legislative days

IV. HEARING SCHEDULE: January 21-24, 2019

Date and Time	Bill Number	Short Title	Committee	Room
01/21/2019 9:30 AM	<u>SB 2259</u>	Relating to the valuation of property for just compensation.	Senate Finance and Taxation	Lewis and Clark
01/21/2019 10:40 AM	<u>HB 1207</u>	Relating to reasonable costs awarded to a defendant.	House Judiciary	Prairie
01/21/2019 2:30 PM	<u>HB 1377</u>	Relating to state board of water well contractors and continuing education requirements for water well pump and pitless unit installers; and to declare an emergency.	House Industry, Business and labor	Peace Garden
01/22/2019 8:00 AM	<u>HB 1136</u>	Relating to bid requirements for public improvements.	House Industry, Business and Labor	Peace Garden
01/22/2019 8:30 AM	<u>HB 1184</u>	Relating to eliminating the ability of state and local government authorities from using quick take eminent domain; and to repeal sections 11-10-26 and 24-01-22.1 of the North Dakota Century Code,	House Judiciary	Prairie

		relating to appeals related to acquiring a right of way through the use of quick take eminent domain.		
01/22/2019 2:30 AM	<u>SB 2275</u>	Relating to the essential infrastructure revolving loan fund debt repayments; to amend and reenact section 6-09-49, subdivision c of subsection 5 of section 6-09.4-03, and sections 6-09.4-06 and 6-09.4-10 of the North Dakota Century Code, relating to the essential infrastructure revolving loan fund, public finance agency definitions, borrowing and lending authority, and reserve funds; to repeal section 61-02-78 of the North Dakota Century Code, relating to a revolving loan fund for water projects; to provide a transfer; to provide a continuing appropriation; to provide a bond issuance limitation; and to provide an effective date.	Senate Finance and Taxation	Lewis and Clark
01/22/2019 2:30 AM	<u>SB 2276</u>	Relating to the infrastructure revolving loan fund; and to provide a statement of legislative intent.	Senate Education	Sheyenne River
01/23/2019 8:30 AM	<u>HB 1014</u>	A BILL for an Act to provide for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer.	House Appropriations – Government Operations Division	Medora
01/24/2019 8:30 AM	<u>SB 2020</u>	A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission.	Senate Appropriations	Harvest
01/24/2019 9:00 AM	<u>HB 1192</u>	Relating to defining and delineating the ordinary high water mark of a navigable body of water; and to amend and reenact section 61-33-01 and subdivision e of subsection 3 of section 61-33.1-03 of the North Dakota Century Code, relating to the definition and determination of ordinary high water mark.	House Energy and Natural Resources	Coteau A
01/24/2019 9:00 AM	<u>HB 1428</u>	Relating to the Missouri River council; to provide for the acquisition and management of the shoreline of the Missouri River; and to provide for a report to the legislative management.	House Energy and Natural Resources	Coteau A
01/24/2019 9:30 AM	<u>SB 2220</u>	Relating to permitting of subsurface water management systems by water resource district boards.	Senate Agriculture	Roosevelt Park
01/24/2019 2:00 PM	<u>HB 1440</u>	Relating to the protection of groundwater and other responsibilities of a mineral developer.	House Energy and Natural Resources	Coteau A

01/24/2019 2:15 PM	<u>SB 2213</u>	Relating to district budget tax levies.	Senate Political Subdivisions	Red River
01/24/2019 2:30 PM	<u>HB 1314</u>	Relating to compensation and reimbursement of water resource district board members.	House Political Subdivisions	Prairie
01/24/2019 3:00 PM	<u>SB 2139</u>	Relating to cost-sharing and duties of the state water commission.	Senate Political Subdivisions	Red River
01/25/2019 8:30 AM	<u>SB 2055</u>	Relating to the establishment of the budget section; to amend and reenact sections 15-03-04, 15-10-12.1, 20.1-02-05.1, 20.1-02-16.1, 25-04-02.2, 37-17.1-27, 40-23-22.1, 47-30.1-24.1, 48-01.2-25, subsection 16 of section 50-06-05.1, subsection 18 of section 50-06-05.1, and sections 54-06-37, 54-27-22, 54-27-23, 54-44.1-13.1, 54-59-05, and 65-08.1-02 of the North Dakota Century Code, relating to agency requests for budget section approval; and to repeal section 1 of chapter 67 of the 2013 Session Laws and section 10 of chapter 19 of the 2017 Session Laws, relating to the authority of the state board of agricultural research and education to sell certain real property and the authority of the state water commission to provide payment for western area water supply loans.	Senate Appropriations	Harvest
01/25/2019 9:00 AM	<u>SB 2295</u>	Relating to limitations on the creation and jurisdiction of irrigation districts; and to amend and reenact sections 61-09-01 and 61-09-03 of the North Dakota Century Code, relating to permitting an irrigation district to assess lands requiring drainage as a result of irrigation works.	Senate Energy and Natural Resources	Fort Lincoln

V. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1013</u>	Appropriation for Defraying Expenses of the Commissioner of School Lands		
<u>HB 1014</u>	Appropriation for Defraying the Expenses of the Industrial Commission		
<u>HB 1020</u>	Appropriation for NDSU		
<u>HB 1024</u>	Appropriation for Defraying Expenses of the Department of Environmental Quality		
<u>HB 1026</u>	Soil Conservation District Manager Training	PASSED	
<u>HB 1036</u>	Fiscal Impacts of Referred Measures		

HB 1037	Campaign Finance Disclosure Statements		
HB 1066	"Prairie Dog Bill"		
HB 1067	Municipal Bid Requirements	PASSED	
HB 1085	Drought Disaster Livestock Water Assistance Program	PASSED	
HB 1086	Waters of the State		
HB 1087	Permit to Construct or Modify a Dam, Dike, or Other Device		
HB 1128	PTSD Service Dog Training		
HB 1136	Bid Requirements for Public Improvements		
HB 1173	Cost for Appealing Local Government Decisions	PASSED	
HB 1184	Eliminating Quick Take Eminent Domain		
HB 1186	Oil and Gas Tax Revenue Hedging		
HB 1192	Ordinary High Water Marks		
HB 1202	Outdoor Heritage Advisory Board		
HB 1207	Reasonable Costs Awarded to Eminent Domain Defendant		
HB 1243	Recording of Easements		
HB 1299	Duration of Pipeline Easements		
HB 1302	Sale of Property Acquired by Eminent Domain		
HB 1307	Special Assessments		
HB 1314	Compensation and Reimbursement of WRD Board Members		
HB 1320	RRVWSP Contract Terms and Elimination of Voter Approval Requirements		
HB 1356	Bids, Plans and Specifications for Public Improvements and Bond Thresholds		
HB 1362	Railroad Right of Way Utility Applications		
HB 1428	Acquisition and Management of the Missouri River Shoreline		
HB 1431	Removal of Mandan from SW Water Authority's Mill Levy		
HB 1440	Protection of Groundwater from Mineral Developers		
HB 1514	Eliminates Tile Permitting Process		
SB 2020	Appropriation for Defraying the Expenses of the State Water Commission		
SB 2037	Disposal and Transportation of High-Level Radioactive Waste		
SB 2040	Political Subdivision Property Exclusion from Protests Against Special Improvement Districts		PASSED
SB 2044	Damaging Critical Infrastructure Penalty		
SB 2054	Outdoor Heritage Fund		
SB 2055	Budget Section		
SB 2090	Permits for the Appropriation of Water		

<u>SB 2091</u>	Floodplain Management Community Standards		PASSED
<u>SB 2095</u>	Expending Funds from the Disaster Relief Fund		
<u>SB 2109</u>	Duties and Responsibilities of the Department of Environmental Quality		
<u>SB 2139</u>	Snagging and Clearing		
<u>SB 2148</u>	Measure 1 Lobbyist Bill		
<u>SB 2166</u>	Increased Liability Limits for Political Subdivisions		
<u>SB 2174</u>	WRD Board Member Elections, Appointments and Terms		
<u>SB 2213</u>	SW Water Authority Permanent Mill Levy		
<u>SB 2220</u>	WRD Tile Permits		
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund		
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		
<u>SB 2295</u>	Creation of Irrigation Drainage Districts		
<u>HCR 3013</u>	Eminent Domain Over Mineral Rights		
<u>SCR 4001</u>	Process of Approving Constitutional Amendments		
<u>SCR 4005</u>	Low-Interest Revolving Loan Fund		

Haase, Reice J.

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[Shelley Haugen](#)

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— *North Dakota Water Users* — *January 25, 2019 No.6*

Legislative Report

It's Day 15, and bill introductions are complete, except for amendments to the constitution and study resolutions. Committees are busy with hearings and committee work to pass out nearly a thousand bills and resolutions, a 10-year high number of bills by the Crossover deadline.

Measure 1

Both the Senate and the House appointed special committees to consider implementing legislation for Measure 1/Ethics Commission as follows:

- House Ethics Committee: Rep. Kasper, Rep. Louser, Rep. D. Anderson, Rep. Headland, Rep. Heinert, Rep. K. Koppelman, Rep. Lefor, Rep. Rohr, Rep. D. Ruby, Rep. Steiner, Rep. Boschee, Rep. Mitskog, Rep. Mock
- Senate Special Committee on Ethics: Sen. Hogue, Sen. Unruh, Sen. Anderson, Sen. Dever, Sen. Poolman, Sen. Oban, Sen. Mathern

Two bills have been introduced to date: [HB 1521](#) and [SB 2148](#).

Hearing Schedule (January 28 – February 1).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

I. This Week at the Legislature

[HB 1207](#) was heard before the House Judiciary Committee on Monday, January 21. This bill awards reasonable costs awarded to defendants in eminent domain cases. Jack Dwyer provided testimony in support of this measure.

[HB 1136](#) was heard before the House Industry, Business and Labor Committee on Tuesday, January 22. This bill allows a governing body to award a contract for each portion of the project the received bids and readvise for bids on the portion of the project that did not receive bids if a bid for general, electrical, or mechanical portions of a project are not received.

[HB 1184](#) was heard before the House Judiciary Committee on Tuesday, January 22. This bill eliminates the ability of state and local government authorities to from using quick take eminent domain or acquiring an easement for a right of way through the use of quick take eminent domain. Jack Dwyer provided testimony in opposition to this measure.

[HB 2275](#) was heard before the Senate Finance and Taxation Committee on Tuesday, January 22. This bill would create an infrastructure revolving loan fund at the Bank of North Dakota with the moneys in the legacy fund. Lance Gaebe provided testimony in support of this measure.

[HB 1449](#) was heard before the House Finance and Taxation Committee on Wednesday, January 23. This bill raises the oil extraction tax rate to 6.5%.

[SB 2020](#) was heard before the Senate Appropriations Committee on Thursday, January 24. This is the appropriations bill for the State Water Commission. This hearing was focused on the F-M Diversion and its funding request.

[HB 1192](#) was heard before the House Energy and Natural Resources Committee on Thursday, January 24. This bill defines adds a definition of ordinary high water mark to N.D.C.C. ch. 61-33.1 and adds a section requiring the State Engineer maintain ordinary high water mark delineation guidelines as provided.

[HB 1428](#) was heard before the House Energy and Natural Resources Committee on Thursday, January 24. This bill forms a Missouri River council to conduct acquisitions and manage the Missouri River shoreline.

[SB 2220](#) was heard before the Senate Agriculture Committee on Thursday, January 24. This bill allows WRD to charge actual costs associated with permits and allows a WRD board to review completed applications up to 45 after receipt. Jack Dwyer provided testimony in support of this measure.

[HB 1440](#) was heard before the House Energy and Natural Resources Committee on Thursday, January 24. This bill removes the water quality test requirement from protections for groundwater against mineral developers and requires developers to collect soil samples and inventory water wells.

[SB 2213](#) was heard before the Senate Political Subdivisions Committee on Thursday, January 24. This bill removes the sunset clause for the Southwest Water Authority mill levy. Jack Dwyer provided testimony in support of this measure.

[HB 1314](#) was heard before the House Political Subdivisions Committee on Thursday, January 24. This bill adjusts the compensation of WRD board members to be consistent with the state legislature and state officers.

[SB 2139](#) was heard before the Senate Political Subdivisions Committee on Thursday, January 24. This bill reinstates the ability of the State Water Commission to cost-share snagging and clearing operations. Jack Dwyer provided testimony in support of this measure.

[SB 2293](#) was heard before the Senate Energy and Natural Resources Committee on Friday, January 25. This bill creates funding mechanisms to support ANS programs. Lance Gaebe coordinated testimony and Mary Massad spoke in support of this measure on behalf of Water Users.

[SB 2295](#) was heard before the Senate Energy and Natural Resources Committee on Friday, January 25. This bill limits the creation of irrigation districts, adds permit requirements for drainage projects and ensures drainage benefits provided by an irrigation district do not impact the authority of a water resource board.

II. 2019 Water Day

Mark your calendars for Water Day on February 12! The North Dakota Water Coalition and the North Dakota Rural Water Systems Association are hosting a breakfast and a social for all North Dakota legislators **Tuesday, February 12 from 8:00 a.m. – 9:00 a.m.** in the **Brynhild Haugland room** at the capitol and **5:00 p.m. – 6:00 p.m.** at the **Ramkota Hotel** in conjunction with Water Day at the Legislature. We urge you to take this opportunity to help us host and to discuss our water needs with our legislators.

III. 2019 Legislative Deadlines and Dates

February 12 Rural Water/North Dakota Water Coalition Legislative Social
February 22 Crossover for bills
February 25-26 Recess
March 6 Crossover for resolutions
April 23 Session is limited to 80 legislative days

IV. HEARING SCHEDULE: January 28 - February 1, 2019

Date and Time	Bill Number	Short Title	Committee	Room
01/29/2019 3:30 PM	<u>HB 1302</u>	Relating to the sale of property acquired by eminent domain or acquired when the property was eligible for taking by eminent domain, but no longer needed for a public purpose; and to amend and reenact section 24-01-28 of the North Dakota Century Code, relating to vacating property acquired through eminent domain for highways.	House Judiciary	Prairie
01/30/2019 2:00 PM	<u>SB 2148</u>	Relating to restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota; to amend and reenact sections 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, and 28-32-08, subsection 5 of section 28-32-08.1, sections 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, and 28-32-18.1, and subsections 2 and 4 of section 28-32-19 of the North Dakota Century Code, relating to rulemaking procedures and requirements for the North Dakota ethics commission; to provide for a legislative management study; to provide a penalty; and to provide an appropriation.	Ethics	Pioneer

01/31/2019 8:30 AM	<u>HB 1362</u>	Relating to the right of utilities to cross over or under a railroad right of way; and to provide for application.	House Political Subdivisions	Prairie
01/31/2019 10:00 AM	<u>SB 2238</u>	Relating to powers of the board of county commissioners; and to amend and reenact section 32-15-01 of the North Dakota Century Code, relating to limitations on eminent domain authority.	Senate Agriculture	Roosevelt Park
02/01/2019 9:00 AM	<u>HB 1320</u>	Relating to Red River valley water supply project contract terms and elimination of voter approval requirements.	House Energy and Natural Resources	Coteau A
02/01/2019 9:00 AM	<u>HB 1514</u>	Relating to an exemption from permitting requirements for subsurface water management systems; and to repeal section 61-32-03.1 of the North Dakota Century Code, relating to permitting subsurface water management systems.	House Agriculture	Peace Garden

V. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1066</u>	"Prairie Dog Bill"		
<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	
<u>HB 1086</u>	Waters of the State		
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	
<u>HB 1136</u>	Bid Requirements for Public Improvements		
<u>HB 1173</u>	Appeals to Local Government Cost	PASSED	
<u>HB 1184</u>	Eliminating Quick Take Eminent Domain		
<u>HB 1192</u>	Ordinary High Water Marks		
<u>HB 1207</u>	Reasonable Costs Awarded to Eminent Domain Defendant		
<u>HB 1243</u>	Recording of Easements		
<u>HB 1299</u>	Duration of Pipeline Easements		
<u>HB 1302</u>	Sale of Property Acquired by Eminent Domain		
<u>HB 1314</u>	Compensation and Reimbursement of WRD Board Members		

<u>HB 1320</u>	RRVWSP Contract Terms and Elimination of Voter Approval Requirements		
<u>HB 1356</u>	Bids, Plans and Specifications for Public Improvements and Bond Thresholds		
<u>HB 1362</u>	Railroad Right of Way Utility Applications		
<u>HB 1428</u>	Acquisition and Management of the Missouri River Shoreline		
<u>HB 1431</u>	Removal of Mandan from SW Water Authority's Mill Levy		
<u>HB 1440</u>	Protection of Groundwater		
<u>HB 1449</u>	Oil Extraction Tax Rate		
<u>HB 1514</u>	Eliminates Tile Permitting Process		
<u>SB 2020</u>	Appropriation for Defraying the Expenses of the State Water Commission		
<u>SB 2044</u>	Damaging Critical Infrastructure Penalty		
<u>SB 2090</u>	Permits for the Appropriation of Water		
<u>SB 2091</u>	Floodplain Management Community Standards		PASSED
<u>SB 2139</u>	Snagging and Clearing		
<u>SB 2148</u>	Measure 1 Lobbyist Bill		
<u>SB 2166</u>	Increased Liability Limits for Political Subdivisions		
<u>SB 2174</u>	WRD Board Member Elections, Appointments and Terms		
<u>SB 2213</u>	SW Water Authority Permanent Mill Levy		
<u>SB 2220</u>	WRD Tile Permits		
<u>SB 2238</u>	Eminent Domain Power of County Commissioners		
<u>SB 2259</u>	Valuation of Property		
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund		
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		
<u>SB 2295</u>	Limiting Creation of Irrigation Districts		
<u>SCR 4005</u>	Low-Interest Revolving Loan Fund		

Haase, Reice J.

From: Haugen, Shelley K.
Sent: Friday, February 1, 2019 2:53 PM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 7

[Shelley Haugen](#)
Constituent Services

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From: ND Water Info <staff@ndwater.net>
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Subject: Legislative Report No. 7

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— North Dakota Water Users — February 1, 2019 No.7

Legislative Report

Hearing Schedule (February 4 – February 8).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

I. This Week at the Legislature

[HB 1440](#) failed on the House floor on Tuesday, January 29 with a 13-80 vote. This bill would have removed the water quality test requirement from protections for groundwater against mineral developers and requires developers to collect soil samples and inventory water wells.

[HB 1299](#) failed on the House floor on Tuesday, January 29 with a 18-75 vote. This bill would have made an easement, servitude, or nonappurtenant restriction obtained for the purpose of building a pipeline considered abandoned if the pipeline is not built within twenty years of the date on which the easement, servitude, or nonappurtenant restriction was obtained.

[HB 1302](#) was heard before the House Judiciary Committee on Tuesday, January 29. This bill allows the person whose land was taken for eminent domain by the state or a political subdivision to have the opportunity to purchase the land back if it is no longer needed. Keely Torgerson attended and monitored the hearing.

[SB 2020](#) was reviewed by the Senate Appropriations subcommittee on Tuesday, January 29. The meeting consisted of a review by Legislative Council and SWC staff of the status of the current budget and anticipated carryover; a description of the funding categories in the baseline budget (current biennium funding levels), a review of carryover funds and anticipated 2019-21 revenue for grants and capital projects. The legislature's revised January 2019 revenue forecast dropped the revenue estimate from \$403 million to \$350 million.

[HB 1314](#) failed on the House floor on Wednesday, January 30 with a 12-80 vote. This bill would have adjusted the compensation of WRD board members to be consistent with the state legislature and state officers.

[HB 1243](#) failed on the House floor on Wednesday, January 30 with a 12-80 vote. This bill would have required all easements to be recorded.

[SB 2259](#) failed on the Senate floor on Wednesday, January 30 with a 20-25 vote. This bill would have set out guidelines for evaluating property when being taken for eminent domain.

[SB 2148](#) was heard before the Ethics Committee on Wednesday, January 30. This bill establishes an ethics commission and outlines the complaint process for violations. Lance Gaebe attended and monitored the hearing.

[HB 1521](#) was heard before the Ethics Committee on Wednesday, January 30. This bill lays out campaign contribution disclosure requirements and the complaint procedure for campaign contribution violations by lobbyists. Lance Gaebe attended and monitored the hearing.

[HB 1086](#) failed on the House floor on Thursday, January 31 with a 0-91 vote. This bill related to the waters of the state.

[SCR 4005](#) failed on the Senate floor on Thursday, January 31 with a 11-34 vote. This bill would have created a North Dakota infrastructure fund to be known as the North Dakota first fund to be administered by the North Dakota infrastructure board. The fund would have served as a grant and low-interest revolving loan fund from the principal and earnings of the legacy fund and would provide a procedure for political subdivisions to access grants and low-interest loans for permanent infrastructure projects.

[HB 1362](#) was heard before the House Political Subdivisions Committee on Thursday, January 31. This bill allows a utility to cross over or under the railroad right of way for the placement of facilities.

[SB 2358](#) was heard before the Senate Energy and Natural Resources Committee on Thursday, January 31. This bill adds a creek, river, or stream appearing in a plat book to the definition of a watercourse. Jack Dwyer and Keely Torgerson attended and monitored the hearing.

[SB 2342](#) was heard before the Senate Energy and Natural Resources Committee on Thursday, January 31. This bill sets noise restrictions on the operation of watercraft at night. Keely Torgerson attended and monitored the hearing.

[SB 2238](#) was heard before the Senate Agriculture Committee on Thursday, January 31. This bill requires county commissions to approve eminent domain proceedings. Jack Dwyer attended the hearing and provided testimony in opposition on behalf of ND Water Users.

[SCR 4009](#) was heard before the Senate Energy and Natural Resources Committee on Thursday, January 31. This bill would direct Legislative Management to consider studying the feasibility and desirability of the water resource boards in each drainage basin forming a joint water resource board to plan and construct water conveyance projects based on basinwide needs. Jack Dwyer attended and monitored the hearing.

[SB 2139](#) passed on the Senate floor on Friday, February 1 with a 41-5 vote. This bill reinstates the ability of the State Water Commission to cost-share snagging and clearing operations.

[HB 1514](#) was heard before House Agriculture Committee on Friday, February 1. This bill repeals section 61-32-03.1, which requires permits for subsurface water management systems. Chad Engles provided testimony in opposition the bill on behalf of the NDWRDA and a number of other members of the water community also provided testimony in opposition. Jack Dwyer and Keely Torgerson also attended and monitored the hearing.

[HB 1320](#) was heard before the House Energy and Natural Resource Committee on Friday, February 1. This bill removes voter approval requirements for some RRVWS projects and allows contract terms to exceed forty years. Keely Torgerson attended and monitored the hearing.

II. 2019 Water Day

Mark your calendars for Water Day on February 12! The North Dakota Water Coalition and the North Dakota Rural Water Systems Association are hosting a breakfast and a social for all North Dakota legislators **Tuesday, February 12** from **8:00 a.m. – 9:00 a.m.** in the **Brynild Haugland room** at the capitol and **5:00 p.m. – 6:00 p.m.** at the **Ramkota Hotel** in conjunction with Water Day at the Legislature. We urge you to take this opportunity to help us host and to discuss our water needs with our legislators.

III. 2019 Legislative Deadlines and Dates

February 12 Rural Water/North Dakota Water Coalition Legislative Social
February 22 Crossover for bills
February 25-26 Recess
March 6 Crossover for resolutions
April 23 Session is limited to 80 legislative days

IV. HEARING SCHEDULE: February 4 - February 8, 2019

Date and Time	Bill Number	Short Title	Committee	Room
02/05/2019 2:31 PM	<u>SB 2020</u>	<i>Subcommittee Meeting - A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission.</i>	Senate Appropriations	Senate Conference Room
02/06/2019 2:30 PM	<u>SB 2148</u>	Relating to restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota; to amend and reenact sections 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, and 28-32-08, subsection 5 of section 28-32-08.1, sections 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, and 28-32-18.1, and subsections 2 and 4 of section 28-32-19 of the North Dakota Century Code, relating to rulemaking procedures and requirements for the North Dakota ethics commission; to provide for a legislative management study; to provide a penalty; and to provide an appropriation.	Ethics	Pioneer
02/07/2019 8:30 AM	<u>HB 1431</u>	Relating to the parts of the state included in the southwest water authority and the membership of the board of directors of the southwest water authority; and to provide an effective date.	House Political Subdivisions	Prairie

02/07/2019 3:00 PM	<u>HB 1521</u>	Relating to reporting campaign contributions, restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota; to amend and reenact section 16.1-08.1-01, subsection 4 of section 16.1-08.1-02.1, sections 16.1-08.1-02.3, 16.1-08.1-02.4, 16.1-08.1-03.1, 16.1-08.1-04.1, 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, 28-32-08, 28-32-08.1, 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, and 28-32-18.1, subsections 2 and 4 of section 28-32-19, and section 28-32-27 of the North Dakota Century Code, relating to rulemaking procedures, disqualification of hearing officers, and requirements for the North Dakota ethics commission; to provide for a penalty; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.	Ethics	Pioneer
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V. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1066</u>	"Prairie Dog Bill"		
<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	
<u>HB 1086</u>	Waters of the State	FAILED	
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	
<u>HB 1136</u>	Bid Requirements for Public Improvements	PASSED	
<u>HB 1173</u>	Appeals to Local Government Cost	PASSED	
<u>HB 1184</u>	Eliminating Quick Take Eminent Domain		
<u>HB 1192</u>	Ordinary High Water Marks		

HB 1207	Reasonable Costs Awarded to Eminent Domain Defendant		
HB 1243	Recording of Easements	FAILED	
HB 1299	Duration of Pipeline Easements	FAILED	
HB 1302	Sale of Property Acquired by Eminent Domain		
HB 1314	Compensation and Reimbursement of WRD Board Members	FAILED	
HB 1320	RRVWSP Contract Terms and Elimination of Voter Approval Requirements		
HB 1356	Bids, Plans and Specifications for Public Improvements and Bond Thresholds		
HB 1362	Railroad Right of Way Utility Applications		
HB 1428	Acquisition and Management of the Missouri River Shoreline		
HB 1431	Removal of Mandan from SW Water Authority's Mill Levy		
HB 1440	Protection of Groundwater	FAILED	
HB 1449	Oil Extraction Tax Rate		
HB 1514	Eliminates Tile Permitting Process		
HB 1521	Reporting Campaign Contributions		
SB 2020	Appropriation for Defraying the Expenses of the State Water Commission		
SB 2044	Damaging Critical Infrastructure Penalty		
SB 2090	Permits for the Appropriation of Water		
SB 2091	Floodplain Management Community Standards		PASSED
SB 2139	Snagging and Clearing		PASSED
SB 2148	Measure 1 Lobbyist Bill		
SB 2166	Increased Liability Limits for Political Subdivisions		
SB 2174	WRD Board Member Elections, Appointments and Terms		
SB 2213	SW Water Authority Permanent Mill Levy		
SB 2220	WRD Tile Permits		
SB 2238	Eminent Domain Power of County Commissioners		
SB 2259	Valuation of Property		FAILED
SB 2275	Essential Infrastructure Revolving Loan Fund		
SB 2293	Aquatic Nuisance Species Program Fund		
SB 2295	Limiting Creation of Irrigation Districts		
SB 2342	Noise Restrictions on Watercraft		
SB 2358	Definition of a Watercourse		
SCR 4005	Low-Interest Revolving Loan Fund		FAILED
SCR 4009	Joint Water Resource Board Study		

Haase, Reice J.

From: Haugen, Shelley K.
Sent: Friday, February 8, 2019 3:28 PM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 8

[Shelley Haugen](#)
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— North Dakota Water Users — February 8, 2019 No. 8

Legislative Report

Hearing Schedule (February 11 – February 15).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

I. This Week at the Legislature

[HB 1428](#) failed on the House floor on Wednesday, February 6 with a 38-54 vote. This bill would have formed a Missouri River council to conduct acquisitions and manage the Missouri River shoreline.

[HB 1431](#) was heard before the House Political Subdivisions Committee on Thursday, February 7. This bill removes Mandan from SW Water Authority's mill levy.

[HB 1449](#) failed on the House floor on Friday, February 8 with a 12-76 vote. This bill would have raised the oil extraction tax rate to 6.5%.

[HB 1521](#) was heard before the [Ethics Committee on Thursday, February 7](#). This bill lays out campaign contribution disclosure requirements and the complaint procedure for campaign contribution violations by lobbyists.

[SB 2020](#) was reviewed by the Senate Appropriations subcommittee on Tuesday, February 5. Regarding funding, the subcommittee agreed by consensus to continue the present biennium funding "buckets", though it seems the proposal for 2019-21 are for the apportionments to be budget bill line items rather than stated legislative intent. The allocations of the \$350M of anticipated revenue for new grants would be approximately similar percentages to the present distribution:

- [Water Supply \\$115 million](#)
- [Rural Water \\$30 million](#)
- [Flood control \\$145 million](#)
- [General water management \(to include irrigation and Water Resource District projects\) \\$35.3 million](#)
- [\\$75 million line of credit for capital projects](#)

[SB 2090](#) passed on the Senate floor on Monday, February 4 with a 42-2 vote. This bill exempts reuse of fossil byproduct water from requiring a water permit, clarifies that a legal interest in the point of diversion or place of use for irrigation water is required, and puts into statute the long-standing practice of having a 30-day comment period on water permit applications. It also increases the costs. All new water permit applications increased from \$200 to \$500, industrial permits are now \$1,000, and amendments are raised to \$100. The \$250 under 2,500 population break will also go away.

[SB 2148](#) was heard before the [Ethics Committee on Wednesday, February 6](#). This bill establishes an ethics commission and outlines the complaint process for violations.

[SB 2166](#) failed on the Senate floor on Tuesday, February 5 with a 2-44 vote. This bill would have raised the total liability of political subdivisions from \$250K to \$1M per person and from \$1M to \$4M for any number of claims arising from any single occurrence regardless of the number of political subdivisions, or employees of such political subdivisions, which are involved in that occurrence.

[SB 2174](#) failed on the Senate floor on Monday, February 4 with a 4-40 vote. This bill would have required elections for WRD board members and sets term limits.

[SB 2220](#) failed on the Senate floor on Thursday, February 7 with a 14-32 vote. This bill would have allowed WRDs to charge actual costs associated with permits and allows a WRD board to review completed applications up to 45 days after receipt.

[SB 2295](#) passed on the Senate floor on Friday, February 8 with a 46-0 vote. This bill limits the creation of irrigation districts, adds permit requirements for drainage projects and ensures drainage benefits provided by an irrigation district do not impact the authority of a water resource board.

[SB 2342](#) passed on the Senate floor on Friday, February 8 with a 37-9 vote. This bill sets noise restrictions on the operation of airboat watercraft at night.

[SCR 4009](#) passed on the Senate floor on Friday, February 8. This bill would direct Legislative Management to consider studying the feasibility and desirability of the water resource boards in each drainage basin forming a joint water resource board to plan and construct water conveyance projects based on basinwide needs.

II. 2019 Water Day

Mark your calendars for Water Day on February 12! The North Dakota Water Coalition and the North Dakota Rural Water Systems Association are hosting a breakfast and a social for all North Dakota legislators **Tuesday, February 12 from 8:00 a.m. – 9:00 a.m.** in the **Brynhild Haugland room** at the capitol and **5:00 p.m. – 6:00 p.m.** at the **Ramkota Hotel** in conjunction with Water Day at the Legislature. We urge you to take this opportunity to help us host and to discuss our water needs with our legislators.

III. 2019 Legislative Deadlines and Dates

February 12	Rural Water/North Dakota Water Coalition Legislative Social
February 22	Crossover for bills
February 25-26	Recess
March 6	Crossover for resolutions
April 23	Session is limited to 80 legislative days

IV. HEARING SCHEDULE: February 11 - February 15, 2019

Date and Time	Bill Number	Short Title	Committee	Room
02/12/2019 2:30 PM	SB 2148	Relating to restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota; to amend and	Ethics	Pioneer

		reenact sections 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, and 28-32-08, subsection 5 of section 28-32-08.1, sections 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, and 28-32-18.1, and subsections 2 and 4 of section 28-32-19 of the North Dakota Century Code, relating to rulemaking procedures and requirements for the North Dakota ethics commission; to provide for a legislative management study; to provide a penalty; and to provide an appropriation.		
02/12/2019 3:00 PM	<u>HB 1521</u>	Relating to reporting campaign contributions, restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota; to amend and reenact section 16.1-08.1-01, subsection 4 of section 16.1-08.1-02.1, sections 16.1-08.1-02.3, 16.1-08.1-02.4, 16.1-08.1-03.1, 16.1-08.1-04.1, 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, 28-32-08, 28-32-08.1, 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, and 28-32-18.1, subsections 2 and 4 of section 28-32-19, and section 28-32-27 of the North Dakota Century Code, relating to rulemaking procedures, disqualification of hearing officers, and requirements for the North Dakota ethics commission; to provide for a penalty; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.	Ethics	Pioneer

02/15/2019 9:00 AM	<u>HB 1085</u>	Relating to the drought disaster livestock water assistance program; and to declare an emergency.	Senate Agriculture	Roosevelt Park
02/15/2019 10:00 AM	<u>HB 1087</u>	Relating to a permit to construct or modify a dam, dike, or other device.	Senate Agriculture	Roosevelt Park

V. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1066</u>	"Prairie Dog Bill"		
<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	
<u>HB 1086</u>	Waters of the State	FAILED	
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	
<u>HB 1136</u>	Bid Requirements for Public Improvements	PASSED	
<u>HB 1173</u>	Appeals to Local Government Cost	PASSED	
<u>HB 1184</u>	Eliminating Quick Take Eminent Domain		
<u>HB 1192</u>	Ordinary High Water Marks		
<u>HB 1207</u>	Reasonable Costs Awarded to Eminent Domain Defendant		
<u>HB 1243</u>	Recording of Easements	FAILED	
<u>HB 1299</u>	Duration of Pipeline Easements	FAILED	
<u>HB 1302</u>	Sale of Property Acquired by Eminent Domain		
<u>HB 1314</u>	Compensation and Reimbursement of WRD Board Members	FAILED	
<u>HB 1320</u>	RRVWSP Contract Terms and Elimination of Voter Approval Requirements		
<u>HB 1356</u>	Bids, Plans and Specifications for Public Improvements and Bond Thresholds		
<u>HB 1362</u>	Railroad Right of Way Utility Applications		
<u>HB 1428</u>	Acquisition and Management of the Missouri River Shoreline	FAILED	
<u>HB 1431</u>	Removal of Mandan from SW Water Authority's Mill Levy		
<u>HB 1440</u>	Protection of Groundwater	FAILED	
<u>HB 1449</u>	Oil Extraction Tax Rate	FAILED	
<u>HB 1514</u>	Eliminates Tile Permitting Process		
<u>HB 1521</u>	Reporting Campaign Contributions		
<u>SB 2020</u>	Appropriation for Defraying the Expenses of the State Water Commission		

SB 2044	Damaging Critical Infrastructure Penalty		
SB 2090	Permits for the Appropriation of Water		PASSED
SB 2091	Floodplain Management Community Standards		PASSED
SB 2139	Snagging and Clearing		PASSED
SB 2148	Measure 1 Lobbyist Bill		
SB 2166	Increased Liability Limits for Political Subdivisions		FAILED
SB 2174	WRD Board Member Elections, Appointments and Terms		FAILED
SB 2213	SW Water Authority Permanent Mill Levy		
SB 2220	WRD Tile Permits		FAILED
SB 2238	Eminent Domain Power of County Commissioners		
SB 2259	Valuation of Property		FAILED
SB 2275	Essential Infrastructure Revolving Loan Fund		
SB 2293	Aquatic Nuisance Species Program Fund		
SB 2295	Limiting Creation of Irrigation Districts		PASSED
SB 2342	Noise Restrictions on Watercraft		PASSED
SB 2358	Definition of a Watercourse		
SCR 4005	Low-Interest Revolving Loan Fund		FAILED
SCR 4009	Joint Water Resource Board Study		PASSED

VI. SB 2275

SB 2275 was amended this week. It is looking like the water project loan vehicle of choice. We are engaged on this bill and will report any updates. Below are some of the main points of the bill pertaining to water:

- SB2275 proposes to allocate no more than \$55,000,000 of Legacy Fund earnings as a repayment source for appropriations bonds to provide funding for the Legislature's Infrastructure Revolving Loan Fund. The concept is to "disconnect" repayment of the bonds from use of the bond proceeds.
- The estimated bond proceeds to be used in the IRLF are approximately \$450,000,000.
- SB2275 will enable loans for flood control, water supply and water management projects with a loan term up to 40-years, as opposed to 30-years for other projects. The committee agreed to the longer term because of the scale of water projects.
- SB2275 consolidates the State Water Commission Revolving Loan Fund for water project loans into the IRLF. These loans are provided by the SWC in coordination with grants for projects approved by the SWC.

Haase, Reice J.

From: Haugen, Shelley K.
Sent: Monday, February 18, 2019 8:13 AM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 9

Shelley Haugen
Constituent Services

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From: ND Water Info <staff@ndwater.net>
Sent: Friday, February 15, 2019 4:26 PM
Subject: Legislative Report No. 9

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— *North Dakota Water Users* — *February 15, 2019 No. 9*

Legislative Report

It is the homestretch of the legislative session's first half with next Friday, Feb. 22, the official Crossover date when bill action should be complete in its originating chamber. Legislators will take a two-day recess Feb. 25-26 and then return to work Feb. 27.

It is expected approved first-half appropriations for 2019-2021 will exceed the revenue forecast, which is typical each session. Significant work will need to be done after Crossover to balance the [budget](#). Much will depend on the final revenue forecast of the session expected next month.

Hearing Schedule (February 18 – February 22).

There are not hearings of bills scheduled for bill being tracked by the North Dakota Water Users Association.

I. This Week at the Legislature

[HB 1085](#) was heard before the Senate Agriculture Committee on Friday, February 15. This bill would amend the drought disaster livestock water assistance program to remove the \$3,500 funding limit and raises the limit to \$4,500 to address increased costs. This bill passed on the House floor with a vote of 87-2 on Thursday, January 10.

[HB 1087](#) was heard before the Senate Agriculture Committee on Friday, February 15. This bill excludes agricultural dikes two feet in height or less from requiring a PE to submit plans and specs be reviewed by the State Engineer. This bill passed on the House floor with a vote of 87-3 on Tuesday, January 22.

[HB 1207](#) was amended on Thursday, February 14 to allow the costs and attorney fees to be awarded to a defendant who prevails in an eminent domain case.

[HB 1302](#) passed on the House floor on Friday, February 15 with an 86-4 vote. This bill allows the person whose land was taken for eminent domain by the state or a political subdivision to have the opportunity to purchase the land back if it is no longer needed.

[HB 1320](#) passed on the House floor on Wednesday, February 13 with a 73-19 vote. This bill removes voter approval requirements for some RRVWS projects and allows contract terms to exceed forty years.

[HB 1514](#) was amended on Friday, February 15 to require the installer of the tiling system to hold a \$500,000 bond and record the tile location with the county water board. It also received a 10-2 DO NOT PASS recommendation out of the committee. This bill repeals section 61-32-03.1, which requires permits for subsurface water management systems.

[HB 1521](#) was heard before the Ethics Committee on Tuesday, February 12. This bill lays out campaign contribution disclosure requirements and the complaint procedure for campaign contribution violations by lobbyists.

[SB 2020](#) passed on the Senate floor on Friday, February 15 with a 44-1 vote. SB 2020 includes a statement of legislative intent that the SWC approve a grant of \$50 million for the RRV Water Supply Project and after the 2019-21 biennium, the SWC provide grants to accomplish 80% state cost-share for the project. The bill also includes a section of legislative intent to extend the State commitment to the Fargo Flood Control Project, wherein the state will continue to provide a portion of the non-federal project costs not to exceed \$703 million, which includes the \$120 million originally designated for Fargo interior flood control. The intent of the legislature is the biennial commitment of \$66.5 million be extended two additional biennia to total an additional \$332.5 million over five biennia. During the floor session, Senator Luick proposed an amendment to remove Section 5 (the Fargo flood control project intent) from the bill, creating Division A, SB 2020 without Section 5, and Section B, Section 5 of SB 2020, to be voted on separately. Division A passed 45-0 and Division B passed 40-5.

[SB 2044](#) passed on the Senate floor on Friday, February 15 with a 42-3 vote. This bill provides penalties for tampering with critical infrastructure and defines what a critical infrastructure facility is.

[SB 2148](#) was heard before the Ethics Committee on Tuesday, February 12. This bill establishes and ethics commission and outlines the complaint process for violations.

[SB 2213](#) passed on the Senate floor on Monday, February 11 with a 40-6 vote. This bill extends the sunset clause for the SWWA mill levy until 2030.

[SB 2315](#) would have reversed the presumption that all land is considered open to hunting and required permission without having to post signs. The bill has been amended by the Ag Committee to maintain the presumption of open land unless it is physically posted with a sign or posted on the landowner database. A database and app will be created to provide a color-coded map to indicate land open to hunting, requires permission to hunt, or unavailable to hunters. The amendments will also establish an advisory committee that includes representation from the Department of Agriculture, Game and Fish Department, Information Technology Department, Association of Counties and Agriculture groups.

[SB 2275](#) passed on the Senate floor on Friday, February 15 with a 45-0 vote. SB 2275 was heard before the Senate Appropriations Committee on Wednesday, February 13. This bill creates an infrastructure revolving loan fund at the Bank of North Dakota with the lending terms supported with earnings from the Legacy Fund. The following points relating to water projects were presented to the Committee:

- SB 2275 proposes to allocate no more than \$55,000,000 of Legacy Fund earnings as a repayment source for appropriations bonds to provide funding for the Legislature's Infrastructure Revolving Loan Fund. The concept is to "disconnect" repayment of the bonds from use of the bond proceeds.
- The estimated bond proceeds to be used in the IRLF are approximately \$450,000,000.
- SB 2275 will enable loans for flood control, water supply and water management projects with a loan term up to 40-years, as opposed to 30-years for other projects. The committee agreed to the longer term because of the scale of water projects.
- SB 2275 consolidates the State Water Commission Revolving Loan Fund for water project loans into the IRLF. These loans are provided by the SWC in coordination with grants for projects approved by the SWC.

[SB 2358](#) passed on the Senate floor on Friday, February 15 with a 44-1 vote. This bill would study adding a creek, river, or stream appearing in a plat book to the definition of a watercourse.

II. 2019 Legislative Deadlines and Dates

February 22	Crossover for bills
February 25-26	Recess
March 6	Crossover for resolutions
April 23	Session is limited to 80 legislative days

III. HEARING SCHEDULE: February 18 - February 22, 2019

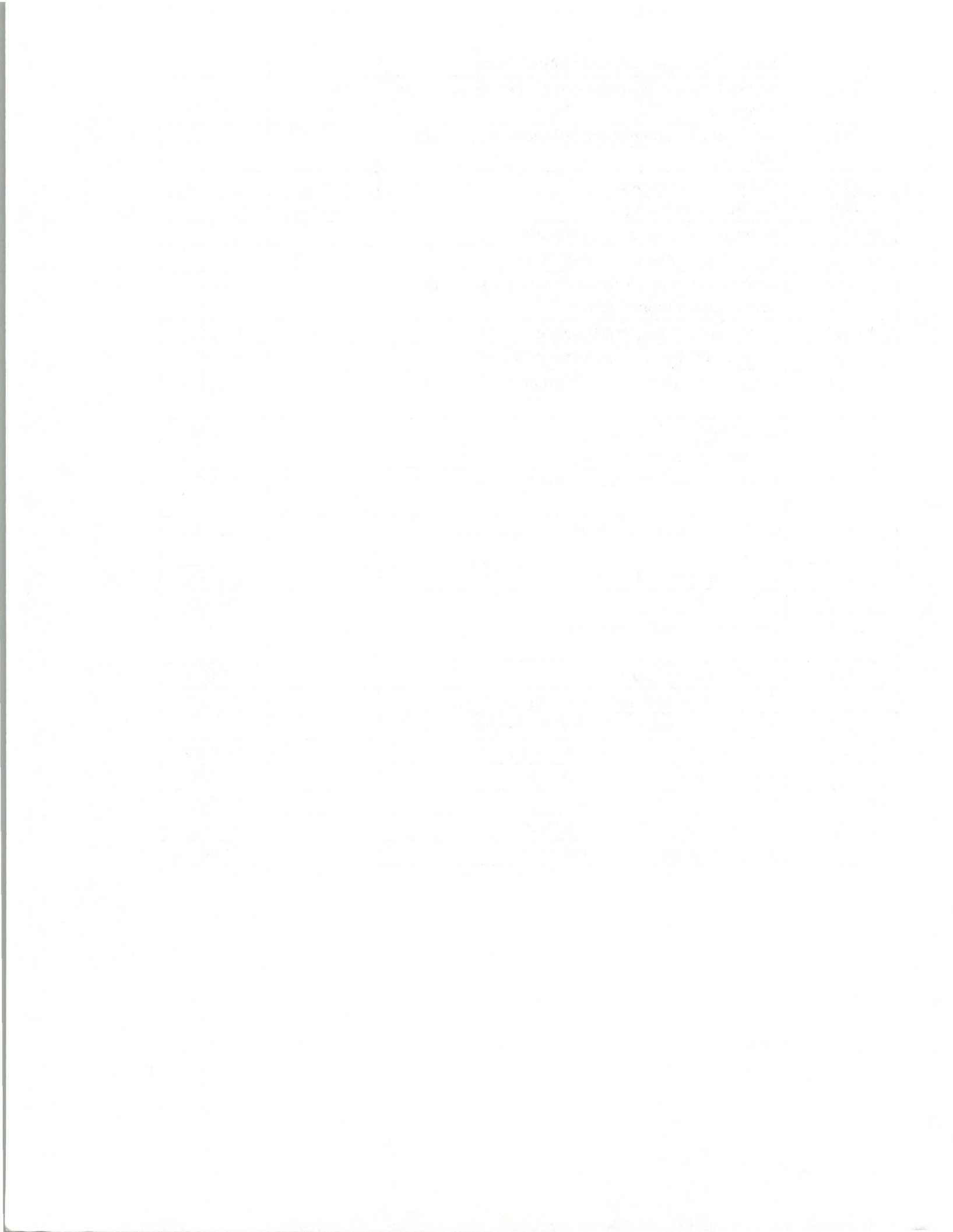
Date and Time	Bill Number	Short Title	Committee	Room
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02/18/2019 9:00 AM	<u>SB 2148</u>	Relating to restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota; to amend and reenact sections 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, and 28-32-08, subsection 5 of section 28-32-08.1, sections 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, and 28-32-18.1, and subsections 2 and 4 of section 28-32-19 of the North Dakota Century Code, relating to rulemaking procedures and requirements for the North Dakota ethics commission; to provide for a legislative management study; to provide a penalty; and to provide an appropriation.	Senate Appropriations	Harvest
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IV. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1066</u>	"Prairie Dog Bill"		
<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	
<u>HB 1086</u>	Waters of the State	FAILED	
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	
<u>HB 1136</u>	Bid Requirements for Public Improvements	PASSED	
<u>HB 1173</u>	Appeals to Local Government Cost	PASSED	
<u>HB 1184</u>	Eliminating Quick Take Eminent Domain		
<u>HB 1192</u>	Ordinary High Water Marks		
<u>HB 1207</u>	Reasonable Costs Awarded to Eminent Domain Defendant		
<u>HB 1243</u>	Recording of Easements	FAILED	
<u>HB 1299</u>	Duration of Pipeline Easements	FAILED	
<u>HB 1302</u>	Sale of Property Acquired by Eminent Domain	PASSED	
<u>HB 1314</u>	Compensation and Reimbursement of WRD Board Members	FAILED	
<u>HB 1320</u>	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
<u>HB 1356</u>	Bids, Plans and Specifications for Public Improvements and Bond Thresholds		

HB 1362	Railroad Right of Way Utility Applications		
HB 1428	Acquisition and Management of the Missouri River Shoreline	FAILED	
HB 1431	Removal of Mandan from SW Water Authority's Mill Levy		
HB 1440	Protection of Groundwater	FAILED	
HB 1449	Oil Extraction Tax Rate	FAILED	
HB 1514	Eliminates Tile Permitting Process		
HB 1521	Reporting Campaign Contributions		
SB 2020	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
SB 2044	Damaging Critical Infrastructure Penalty		PASSED
SB 2090	Permits for the Appropriation of Water		PASSED
SB 2091	Floodplain Management Community Standards		PASSED
SB 2139	Snagging and Clearing		PASSED
SB 2148	Measure 1 Lobbyist Bill		
SB 2166	Increased Liability Limits for Political Subdivisions		FAILED
SB 2174	WRD Board Member Elections, Appointments and Terms		FAILED
SB 2213	SW Water Authority Permanent Mill Levy		PASSED
SB 2220	WRD Tile Permits		FAILED
SB 2238	Eminent Domain Power of County Commissioners		
SB 2259	Valuation of Property		FAILED
SB 2275	Essential Infrastructure Revolving Loan Fund		PASSED
SB 2293	Aquatic Nuisance Species Program Fund		
SB 2295	Limiting Creation of Irrigation Districts		PASSED
SB 2342	Noise Restrictions on Watercraft		PASSED
SB 2358	Definition of a Watercourse		PASSED
SCR 4005	Low-Interest Revolving Loan Fund		FAILED
SCR 4009	Joint Water Resource Board Study		PASSED



Haase, Reice J.

From: Haugen, Shelley K.
Sent: Thursday, February 21, 2019 1:56 PM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 10

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From: ND Water Info <staff@ndwater.net>
Sent: Thursday, February 21, 2019 1:46 PM
Subject: Legislative Report No. 10

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—North Dakota Water Users — February 21, 2019 No. 10

Legislative Report

Hearing Schedule (February 27 – March 1).

All of bills being tracked by the North Dakota Water Users Association are included in this report. These bills are tracked these because they have a direct or indirect impact on water management.

I. Legislative Crossover

Legislators finished the first half of the 2019 Legislative Session on Wednesday, two days before Friday's Crossover deadline. Crossover marks the point when each chamber must act on the bills that originated in their chamber. Legislators resume work Wednesday, February

27 after a short recess. Significant work will need to be done after Crossover to balance the budget. Much will depend on the final revenue forecast of the session expected next month.

II. Status Report

Funding:

SB 2020 Passed on the Senate floor with a vote of 44-1 on Friday, February 15. This is the appropriations bill for the State Water Commission. The Senate Appropriations Committee adopted amendments to authorize line-item funding in four "bucket" categories. The allocations of the \$350M of anticipated revenue for new grants were distributed as follows:

- Water Supply – grants \$115 million
- Rural Water – grants \$30 million
- Flood control – grants \$145 million
- General water management – grants \$35.255 million
- Increase to Capital Assets \$23.1 million

- Project Carryover \$33.5 million
- One-time line of credit funding \$75 million for capital projects

The bill reduces the SWC authorized FTEs by three net positions, from 93 to 90.

SB 2020 authorizes the appropriation of additional revenues above forecast in the Resources Trust Fund, the Water Development Trust Fund or federal funds, subject to Budget Section approval with the following conditions:

1. Approval of additional appropriation will not affect the 2021 Legislature's ability to address water needs
2. Proposed use of additional income complies with legislative intent
3. The use of additional income will not result in future funding commitments

The bill includes a statement of legislative intent to extend the State commitment to the Fargo Flood Control Project:

- To continue to provide a portion of the non-federal project costs not to exceed \$703 million, which includes the \$120 million originally designated for Fargo interior flood control.
- Extend the biennial commitment of \$66.5 million two additional biennia to \$332.5 million over five biennia.

SB 2020 includes legislative intent that the SWC approve a grant of \$50 million for the RRV Water Supply Project from the Water Supply budget line-item; and after the 2019-21 biennium, the SWC provide grants to accomplish 80% state cost-share for the project.

- Lists requirements that the Garrison Diversion Conservancy District must certify compliance items with the SWC and the Budget Section in order to commence construction of the RRVWS Project

[HB 1431](#) **Passed** on the House floor with a vote of 83-9 on Tuesday, February 19. This bill removes Mandan from SW Water Authority's mill levy.

[SB 2213](#) **Passed** on the Senate floor with a vote of 40-6 on Monday, February 11. This bill extends the sunset clause for the SWWA mill levy until 2030.

[SB 2293](#) **Passed** on the Senate floor with a vote of 45-2 on Monday, February 18. This bill creates funding to support aquatic nuisance species programs and enforcement. The bill establishes a \$3 surcharge on in-state fishing licenses (excluding senior citizen and disabled licenses) and \$6 surcharge on out-of-state fishing and waterfowl licenses.

Finance:

[HB 1066](#) **Passed** the House with a vote of 80-12 on Wednesday, February 20. This bill is widely known as the "Prairie Dog Bill," revises the formula for the distribution of the gross production tax on oil and gas in a way that will fund Hub Cities and other oil-impacted communities in the 2019-2021 biennium at approximately the same rate as the current biennium. It would also establish "buckets" for non-oil producing cities, counties and townships to support infrastructure needs. The floor debate on this bill lasted for almost an hour and, while it was agreed by many that the bill was not perfect, passed because it was seen a good way to improve the state's aging infrastructure.

[HB 1449](#) **Failed** on the House floor with a vote of 12-76 on Friday, February 8. This bill would have raised the oil extraction tax rate to 6.5%. Competition from other states with lower tax rates for oil extraction was the main concern.

[SB 2275](#) **Passed** on the Senate floor with a vote of 45-0 on Friday, February 15. This bill creates an infrastructure revolving loan fund at the Bank of North Dakota with the lending terms supported with earnings from the Legacy Fund.

- SB 2275 proposes to allocate no more than \$55,000,000 of Legacy Fund earnings as a repayment source for appropriations bonds to provide funding for the Legislature's Infrastructure Revolving Loan Fund. The concept is to "disconnect" repayment of the bonds from use of the bond proceeds.
- The estimated bond proceeds to be used in the IRLF are approximately \$450,000,000.
- SB 2275 will enable loans for flood control, water supply and water management projects with a loan term up to 40-years, as opposed to 30-years for other projects. The committee agreed to the longer term because of the scale of water projects.
- SB 2275 consolidates the State Water Commission Revolving Loan Fund for water project loans into the IRLF. These loans are provided by the SWC in coordination with grants for projects approved by the SWC.

[SCR 4005](#) **Failed** on the Senate floor with a vote of 11-34 on Thursday, January 31. This bill would have created a North Dakota infrastructure fund to be known as the North Dakota First fund to be administered by the North Dakota infrastructure board. The fund would have served as a grant and low-interest revolving loan fund from the principal and earnings of the legacy fund and would provide a procedure for political subdivisions to access grants and low-interest loans for permanent infrastructure projects. One of the main reasons the bill

failed was because it was a large fund and the type of fund it was and the way it was to be administered would put it at risk.

Property Use/Protections:

[HB 1184](#) **Failed** on the House floor with a vote of 26-64 on Wednesday, February 20. The amended bill would have placed additional restrictions on the use of quick take by all political subdivisions, like what was imposed on water resource districts in 2017. The bill implemented treble damages and a possible two-year moratorium on quick-take authority if WRDs fail to comply with statutory time-lines.

[HB 1207](#) **Passed** on the House floor with a vote of 80-13 on Tuesday, February 19. This bill awards reasonable costs awarded to defendants that prevail in eminent domain cases.

[HB 1362](#) **Passed** on the House floor with a vote of 83-8 on Wednesday, February 20. This bill allows a utility to cross over or under the railroad right of way for the placement of facilities.

[HB 1440](#) **Failed** on the House floor with a vote of 13-80 on Tuesday, January 29. This bill would have removed the water quality test requirement from protections for groundwater against mineral developers and required developers to collect soil samples and inventory water wells. The process was deemed duplicative and an unnecessary burden.

[SB 2238](#) **Failed** on the Senate floor with a vote of 12-35 on Monday, February 18. This bill would have required county commissions to approve eminent domain proceedings over 320 acres. This bill was deemed to be an additional step in an already arduous process.

[SB 2259](#) **Failed** on the Senate floor with a vote of 20-25 on Wednesday, January 30. This bill would have set out guidelines for evaluating property when being taken for eminent domain. This bill would have placed a burden political subdivisions and the NDDOT.

Water Resource Districts:

[HB 1173](#) **Passed** on the House floor with a vote of 90-1 on Thursday, January 17. This bill reduces the cost of appeals to local government.

[HB 1243](#) **Failed** on the House floor with a vote of 12-80 on Wednesday, January 30. This bill would have required all easements to be recorded. The timelines that would have been imposed and when exactly the easements are created were the main concerns with the bill.

[HB 1299](#) **Failed** on the House floor with a vote of 18-75 on Tuesday, January 29. This bill would have made an easement, servitude, or nonappurtenant restriction obtained for the purpose of building a pipeline considered abandoned if the pipeline is not built within twenty years of the date the restriction was obtained. Restricting a landowners' right to negotiate a contract beyond a 20 year period for a pipeline easement was the main concern with this bill.

[HB 1302](#) Passed on the House floor with a vote of 86-4 on Friday, February 15. This bill allows the person whose land was taken for eminent domain by the state or a political subdivision to have the opportunity to purchase the land back if it is no longer needed.

[HB 1314](#) Failed on the House floor with a vote of 12-80 on Wednesday, January 30. This bill would have adjusted the compensation of WRD board members to be consistent with the state legislature and state officers. The main concern was tying a local governing body's pay to that of a legislator.

[HB 1514](#) Failed on the House floor with a vote of 28-62 on Wednesday, February 20. This bill would have repealed section 61-32-03.1, which requires permits for subsurface water management systems. The primary reason this bill failed was because the legislators felt that the changes made in the 2017 session should remain and the ideas were good, but it was not the time for the legislation.

[SB 2139](#) Passed on the Senate floor with a vote of 41-5 on Friday, February 1. This bill reinstates the ability of the State Water Commission to cost-share snagging and clearing operations in natural waterways. Representative Schmidt and Senator Schaible provided an amendment which requires all water boards to develop a plan for water conveyance projects with other water boards in a common basin. This amendment was not adopted, but may be studied under SCR 4009.

[SB 2166](#) Failed on the Senate floor with a vote of 2-44 on Tuesday, February 5. This bill would have raised the total liability of political subdivisions from \$250K to \$1M per person and from \$1M to \$4M for any number of claims arising from any single occurrence regardless of the number of political subdivisions, or employees of such political subdivisions, which are involved in that occurrence. This would have doubled some current limits and current rates are evaluated regularly, which is a major reason why it did not pass.

[SB 2174](#) Failed on the Senate floor with a vote of 4-40 on Monday, February 4. This bill would have required elections for WRD board members and set term limits. The bill was defeated because WRD boards are held accountable to County Commissions and the positions may be politicized.

[SB 2220](#) Failed on the Senate floor with a vote of 14-32 on Thursday, February 7. This bill would have allowed WRD to charge actual costs associated with permits and allowed a WRD board to review completed applications up to 45 days after receipt. The primary reason this bill was defeated was because it was felt that the 2017 changes should remain as they are.

[SCR 4009](#) Passed on the Senate floor on Friday, February 8. This bill would authorize a legislative interim study of the feasibility and desirability of the water resource boards in each drainage basin forming a joint water resource board to plan and construct water conveyance projects based on basin-wide needs.

Agriculture/Irrigation:

[HB 1020](#) Passed on the House floor with a vote of 79-14 on Wednesday, February 20. This bill provides funding for the 2019-2021 SBARE priorities. House action resulted in a 3% base level decrease from the 2017-19 biennium. Extension was increased by 4.6% of the 2017-19 funding level. The House included funding for salary increases (2% and 2%) and fully funded health insurance. Funding for SBARE priorities include one-time funding of \$1.4 million from the strategic investment and improvements fund for extraordinary repairs and \$750,000 for the Williston seed cleaning plant, including \$250,000 from the general fund and \$500,000 from other funds.

[HB 1085](#) Passed on the House floor with a vote of 87-2 on Thursday, January 10. This bill would amend the drought disaster livestock water assistance program to remove the \$3,500 funding limit and raises the limit to \$4,500 to address increased costs.

[HB 1087](#) Passed on the House floor with a vote of 87-3 on Tuesday, January 22. This bill excludes agricultural dikes two feet in height or less from requiring a PE to submit plans and specs be reviewed by the State Engineer.

[SB 2090](#) Passed on the Senate floor with a vote of 42-2 on Monday, February 4. This bill exempts reuse of fossil byproduct water from requiring a water permit, clarifies that a legal interest in the point of diversion or place of use for irrigation water is required, and puts into statute the long-standing practice of having a 30-day comment period on water permit applications. It also increases the costs. All new water permit applications increased from \$200 to \$500, industrial permits are now \$1,000, and amendments are raised to \$100. The \$250 under 2,500 population break will also go away.

[SB 2295](#) Passed on the Senate floor with a vote of 46-0 on Friday, February 8. This bill limits the creation of irrigation districts, adds permit requirements for drainage projects and ensures drainage benefits provided by an irrigation district do not impact the authority of a water resource board.

[SB 2315](#) Passed on the Senate floor with a vote of 28-18 on Wednesday, February 20. This bill reverses the presumption that all land is considered open and requires people to seek permission to access private property, except for hunting, where designations of open or closed will be indicated on an electric database. This bill also authorizes the development of a publicly available, electronic, hunter access database, wherein land will be designed as green (hunters welcome without asking); yellow (hunting may be allowed with permission); and red (no hunting available). Contact information will be provided for parcels indicated as yellow. If the landowner does not provide information for the database, the land will be designated as green. This bill also allows traditional signs to be used if landowners prefer them. Signs take precedence over the database. Lastly, this bill establishes an advisory group, including landowners and sportsmen, to oversee the development of the database so it meets stakeholder needs.

[SB 2360](#) Passed on the Senate floor with a vote of 34-11 on Monday, February 18. This bill changes the definition of farm income from net to gross income for purposes of qualification for the farm home property tax exemption. The bill adopts the IRS definition of a farmer, which is two-thirds or more of annual gross income from farming activities during any of the

two preceding calendar years. It also removes the present \$40,000 cap for allowable off-farm income.

Ethics:

[HB 1521](#) Passed on the House floor with a vote of 81-9 on Wednesday, February 20. This bill lays out campaign contribution disclosure requirements and the complaint procedure for campaign contribution violations by lobbyists.

[SB 2148](#) Passed on the Senate floor with a vote of 46-0 on Tuesday, February 19. This bill establishes an ethics commission and outlines the complaint process for violations.

Watercourses:

[HB 1086](#) Failed on the House floor with a vote of 0-91 on Thursday, January 31. This bill related to the waters of the state. WOTUS negatively impacted the bill and its intent was unclear, causing concern.

[HB 1192](#) Passed on the House floor with a vote of 80-13 on Tuesday, February 19. This bill adds a definition of ordinary high water mark to N.D.C.C. ch. 61-33.1 and adds a section requiring the State Engineer to maintain ordinary high water mark delineation guidelines as provided.

[HB 1428](#) Failed on the House floor with a vote of 38-54 on Wednesday, February 6. This bill would have formed a Missouri River council to conduct acquisitions and manage the Missouri River shoreline. The proposed council was too viewed as too similar to the already established Missouri River Advisory Council and was deemed duplicative and potentially confusing.

[SB 2342](#) Passed on the Senate floor with a vote of 37-9 on Friday, February 8. This bill sets noise restrictions on the operation of airboat watercraft without mufflers.

[SB 2358](#) Passed on the Senate floor with a vote of 44-1 on Friday, February 15. This bill would study adding a creek, river, or stream appearing in a plat book to the definition of a watercourse.

Infrastructure/Construction/Contracts:

[HB 1136](#) Passed on the House floor with a vote of 91-0 on Friday, January 25. This bill allows a governing body to award a contract for each portion of the public improvement project that received bids and readvertise for bids on the portion of the project that did not receive bids if a bid for general, electrical, or mechanical portions of a public improvement project are not received.

[HB 1356](#) Passed on the House floor with a vote of 54-37 on Wednesday, February 20. This bill requires that the state and its political subdivisions may not engage in the construction of public works involving the practice of professional engineering when the contemplated expenditure for the project exceeds the sum of two hundred fifty thousand dollars, unless the engineering drawings and specifications and estimates have been prepared by, and the construction administration and construction observation services are executed under the supervision of, a registered professional engineer.

[SB 2044](#) Passed on the Senate floor with a vote of 42-3 on Friday, February 15. This bill provides penalties for tampering with critical infrastructure and defines a critical infrastructure facility.

[SB 2091](#) Passed on the Senate floor with a vote of 46-1 on Monday, January 14. This bill allows permissible structures within a flood fringe to be constructed on piers or columns, or other methods allowed by FEMA.

[HB 1320](#) Passed on the House floor with a vote of 73-19 on Wednesday, February 13. This bill removes voter approval requirements for some RRVWS projects and allows contract terms to exceed forty years.

III. 2019 Legislative Deadlines and Dates

February 25-26	Recess
March 6	Crossover for resolutions
April 23	Session is limited to 80 legislative days

IV. HEARING SCHEDULE: February 27 - March 1, 2019

Date and Time	Bill Number	Short Title	Committee	Room
02/27/2019 10:00 AM	<u>HB 1173</u>	Relating to costs of appeals of local government decisions.	Senate Judiciary	Fort Lincoln
02/28/2019 9:15 AM	<u>SB 2090</u>	Relating to permits for the appropriation of water, to appeals of permit application rejections, change in point of diversion or use, surplus water delivery, and a prescriptive water right.	House Energy and Natural Resources	Coteau A
02/28/2019 9:30 AM	<u>SB 2091</u>	Relating to floodplain management community standards for permissible uses within the flood fringe.	House Energy and Natural Resources	Coteau A

03/01/2019 9:30 AM	SB 2139	Relating to cost-sharing and duties of the state water commission.	House Energy and Natural Resources	Coteau A
03/01/2019 10:00 AM	HB 1320	A bill relating to Red River valley water supply project contract terms and elimination of voter approval requirements.	Senate Energy and Natural Resources	Fort Lincoln

V. Legislative Bills Tracked (To Date)

Note that all failed bills will be removed from the tracking list after this report.

Bill	Short Title	House	Senate
HB 1066	"Prairie Dog Bill"	PASSED	
HB 1085	Drought Disaster Livestock Water Assistance Program	PASSED	
HB 1086	Waters of the State	FAILED	
HB 1087	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	
HB 1136	Bid Requirements for Public Improvements	PASSED	
HB 1173	Appeals to Local Government Cost	PASSED	
HB 1184	Eliminating Quick Take Eminent Domain	FAILED	
HB 1192	Ordinary High Water Marks	PASSED	
HB 1207	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	
HB 1243	Recording of Easements	FAILED	
HB 1299	Duration of Pipeline Easements	FAILED	
HB 1302	Sale of Property Acquired by Eminent Domain	PASSED	
HB 1314	Compensation and Reimbursement of WRD Board Members	FAILED	
HB 1320	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
HB 1356	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	
HB 1362	Railroad Right of Way Utility Applications	PASSED	
HB 1428	Acquisition and Management of the Missouri River Shoreline	FAILED	
HB 1431	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	
HB 1440	Protection of Groundwater	FAILED	
HB 1449	Oil Extraction Tax Rate	FAILED	
HB 1514	Eliminates Tile Permitting Process	FAILED	
HB 1521	Reporting Campaign Contributions	PASSED	

<u>SB 2020</u>	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
<u>SB 2044</u>	Damaging Critical Infrastructure Penalty		PASSED
<u>SB 2090</u>	Permits for the Appropriation of Water		PASSED
<u>SB 2091</u>	Floodplain Management Community Standards		PASSED
<u>SB 2139</u>	Snagging and Clearing		PASSED
<u>SB 2148</u>	Measure 1 Lobbyist Bill		PASSED
<u>SB 2166</u>	Increased Liability Limits for Political Subdivisions		FAILED
<u>SB 2174</u>	WRD Board Member Elections, Appointments and Terms		FAILED
<u>SB 2213</u>	SW Water Authority Permanent Mill Levy		PASSED
<u>SB 2220</u>	WRD Tile Permits		FAILED
<u>SB 2238</u>	Eminent Domain Power of County Commissioners		FAILED
<u>SB 2259</u>	Valuation of Property		FAILED
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund		PASSED
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		PASSED
<u>SB 2295</u>	Limiting Creation of Irrigation Districts		PASSED
<u>SB 2342</u>	Noise Restrictions on Watercraft		PASSED
<u>SB 2358</u>	Definition of a Watercourse		PASSED
<u>SCR 4005</u>	Low-Interest Revolving Loan Fund		FAILED
<u>SCR 4009</u>	Joint Water Resource Board Study		PASSED

Haase, Reice J.

From: Tokach-Duran, Elizabeth
Sent: Friday, March 1, 2019 8:00 AM
To: Glatt, Dave D.; Bruschwein, David J.; Rockeman, Karl H.; O'Clair, Terry L.; Quarnstrom, James E.; Hyatt, Chuck R.; Haase, Reice J.; Lunde, Teri L.; Olson, Margaret I.
Cc: Miller, Melissa K.
Subject: RE: Committee hearings for Mar 4 - 8

Good morning,

Please find the lists of next week's hearings here:

House: <https://www.legis.nd.gov/files/documents/housecommitteehearingreport.pdf>

Senate: <https://www.legis.nd.gov/files/documents/senatecommitteehearingreport.pdf>

Below are next week's hearings for bills we are tracking internally

(<http://www.ndhealth.gov/testimony/BillTrackingEHS.aspx>).







Clicking on the bill number will take you to the legislative tracking system where you can get more detailed bill information and actions.

TESTIFY**Committee Hearings Scheduled:**

Date and Time	Bill Number	Bill Order	Committee	Room	List Name	Description Comment
03/07/2019 10:45 AM 	HB 1338		Senate Political Subdivisions	Red River	Testify	
03/07/2019 11:00 AM 	HB 1024		Senate Appropriations	Harvest	Testify	

Conference Committee Hearings Scheduled: No Conference Committee Hearings Scheduled

TRACK**Committee Hearings Scheduled:**

Date and Time	Bill Number	Bill Order	Committee	Room	List Name	Description Comment
03/06/2019 09:30 AM 	HB 1136		Senate Industry, Business and Labor	Roosevelt Park	Track	
03/06/2019 02:00 PM 	SB 2326	3rd Bill	House Industry, Business and Labor	Peace Garden	Track	
03/07/2019 08:30 AM 	HB 1004		Senate Appropriations	Harvest	Track	
03/07/2019 09:00 AM 	SB 2037	2nd Bill	House Energy and Natural Resources	Coteau A	Track	
03/07/2019 10:00 AM 	HB 1383		Senate Energy and Natural Resources	Fort Lincoln	Track	
03/07/2019 10:30 AM 	SB 2044		House Energy and Natural Resources	Coteau A	Track	

03/07/2019 02:00 PM	SB 2358	2nd Bill	House Energy and Natural Resources	Coteau A	Track
03/08/2019 10:00 AM	SB 2261		House Agriculture	Peace Garden	Track
03/08/2019 02:00 PM	SB 2293		House Energy and Natural Resources	Coteau A	Track

Conference Committee Hearings Scheduled: No Conference Committee Hearings Scheduled

MONITOR - EHS Related

Committee Hearings Scheduled:

Date and Time	Bill Number	Bill Order	Committee	Room	List Name	Description Comment
03/04/2019 09:00 AM	HB 1439		Senate Finance and Taxation	Lewis and Clark	Monitor - EHS Related	
03/04/2019 02:00 PM	SB 2209	2nd Bill	House Industry, Business and Labor	Peace Garden	Monitor - EHS Related	
03/04/2019 03:00 PM	SB 2055		House Appropriations	Roughrider	Monitor - EHS Related	
03/05/2019 09:00 AM	HB 1066		Senate Finance and Taxation	Lewis and Clark	Monitor - EHS Related	
03/05/2019 03:00 PM	SB 2249		House Appropriations	Roughrider	Monitor - EHS Related	
03/06/2019 08:00 AM	SB 2205	1st Bill	House Industry, Business and Labor	Peace Garden	Monitor - EHS Related	
03/07/2019 09:00 AM	SCR 4009		House Agriculture	Peace Garden	Monitor - EHS Related	
03/07/2019 09:30 AM	SB 2295		House Agriculture	Peace Garden	Monitor - EHS Related	
03/07/2019 10:30 AM	SB 2082		House Agriculture	Peace Garden	Monitor - EHS Related	
03/07/2019 10:30 AM	SB 2340		House Political Subdivisions	Prairie	Monitor - EHS Related	
03/07/2019 02:30 PM	HB 1191		Senate Government and Veterans Affairs	Sheyenne River	Monitor - EHS Related	

Conference Committee Hearings Scheduled: No Conference Committee Hearings Scheduled

MONITOR - State Employee Related

Committee Hearings Scheduled:





Date and Time	Bill Number	Bill Order	Committee	Room	List Name	Description Comment
03/04/2019 11:00 AM	HB 1282		Senate Judiciary	Fort Lincoln	Monitor - State Employee Related	
03/07/2019 08:15 AM	SB 2046	1st Bill	House Government and Veterans Affairs	Fort Union	Monitor - State Employee Related	

03/07/2019 08:15 AM	SB 2047	2nd Bill	House Government and Veterans Affairs	Fort Union	Monitor - State Employee Related
03/07/2019 08:15 AM	SB 2048	3rd Bill	House Government and Veterans Affairs	Fort Union	Monitor - State Employee Related

Conference Committee Hearings Scheduled: No Conference Committee Hearings Scheduled

**MONITOR - Other
Committee Hearings Scheduled:**

Date and Time	Bill Number	Bill Order	Committee	Room	List Name	Description Comment
03/04/2019 09:00 AM	HB 1014		Senate Appropriations	Harvest	Monitor - Other	
03/04/2019 10:30 AM	SB 2015		House Appropriations - Government Operations Division	Medora	Monitor - Other	
03/04/2019 02:00 PM	HB 1014		Senate Appropriations	Harvest	Monitor - Other	
03/04/2019 02:00 PM	SB 2024		House Appropriations	Roughrider	Monitor - Other	
03/04/2019 02:00 PM	SB 2235	3rd Bill	House Industry, Business and Labor	Peace Garden	Monitor - Other	
03/04/2019 03:30 PM	SB 2095		House Appropriations	Roughrider	Monitor - Other	
03/05/2019 08:30 AM	SB 2019		House Appropriations - Education and Environment Division	Roughrider	Monitor - Other	
03/05/2019 10:30 AM	HB 1207		Senate Judiciary	Fort Lincoln	Monitor - Other	
03/05/2019 02:30 PM	HCR 3001		Senate Appropriations	Harvest	Monitor - Other	
03/05/2019 03:30 PM	HB 1064	1st Bill	Senate Industry, Business and Labor	Roosevelt Park	Monitor - Other	
03/06/2019 08:30 AM	SB 2022		House Appropriations - Government Operations Division	Medora	Monitor - Other	
03/07/2019 08:30 AM	SB 2008		House Appropriations - Government Operations Division	Medora	Monitor - Other	
03/07/2019 08:30 AM	SB 2020		House Appropriations - Education and Environment Division	Roughrider	Monitor - Other	
03/07/2019 09:00 AM	HB 1192		Senate Energy and Natural Resources	Fort Lincoln	Monitor - Other	
03/07/2019 09:30 AM	HB 1048		Senate Government and Veterans Affairs	Sheyenne River	Monitor - Other	
03/07/2019 02:15 PM	SB 2096	2nd Bill	House Government and Veterans Affairs	Fort Union	Monitor - Other	

03/08/2019 08:30 AM		SB 2110	2nd Bill	House Government and Veterans Affairs	Fort Union	Monitor - Other
03/08/2019 08:30 AM		SB 2221	3rd Bill	House Government and Veterans Affairs	Fort Union	Monitor - Other
03/08/2019 08:30 AM		SB 2256	4th Bill	House Government and Veterans Affairs	Fort Union	Monitor - Other
03/08/2019 09:30 AM		HB 1035		Senate Government and Veterans Affairs	Sheyenne River	Monitor - Other
03/08/2019 09:45 AM		HB 1036		Senate Government and Veterans Affairs	Sheyenne River	Monitor - Other

Conference Committee Hearings Scheduled: No Conference Committee Hearings Scheduled

Elizabeth Tokach Duran

Environmental Engineer

Clean Water State Revolving Fund

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Haase, Reice J.

From: Haugen, Shelley K.
Sent: Friday, March 1, 2019 5:01 PM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 11

[Shelley Haugen](#)
Constituent Services

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From: ND Water Info <staff@ndwater.net>
Sent: Friday, March 01, 2019 3:41 PM
Subject: Legislative Report No. 11

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— *North Dakota Water Users* — *March 1, 2019 No. 11*

Legislative Report

Hearing Schedule (March 4 – March 8).

There are not hearings of bills scheduled for bill being tracked by the North Dakota Water Users Association.

I. This Week at the Legislature

[HB 1085](#) passed the Senate with a vote of 45-0 on Wednesday, February 27. This bill amends the drought disaster livestock water assistance program to remove the \$3,500 funding limit and raises the limit to \$4,500 to address increased costs.

[HB 1087](#) passed the Senate with a vote of 44-1 on Wednesday, February 27. This bill excludes agricultural dikes two feet in height or less from requiring a PE to submit plans and specs be reviewed by the State Engineer.

[HB 1173](#) was heard before the Senate Judiciary Committee on Wednesday, February 27. This bill reduces the cost of appeals to local government.

[HB 1320](#) was heard before the Senate Energy and Natural Resources Committee on Friday, March 1. This bill removes voter approval requirements for some RRVWS projects and allows contract terms to exceed forty years.

[SB 2090](#) was heard before the House Energy and Natural Resources Committee on Thursday, February 28. This bill exempts reuse of fossil byproduct water from requiring a water permit, clarifies that a legal interest in the point of diversion or place of use for irrigation water is required, and puts into statute the long-standing practice of having a 30-day comment period on water permit applications. It also increases the costs. All new water permit applications increased from \$200 to \$500, industrial permits are now \$1,000, and amendments are raised to \$100. The \$250 under 2,500 population break will also go away.

[SB 2091](#) passed the House with a vote of 86-0 on Friday, March 1. This bill was heard before the House Energy and Natural Resources Committee on Thursday, February 28. This bill allows permissible structures within a flood fringe to be constructed on piers or columns, or other methods allowed by FEMA.

[SB 2139](#) was heard before the House Energy and Natural Resources Committee on Friday, March 1. This bill reinstates the ability of the State Water Commission to cost-share snagging and clearing operations in natural waterways. Jack Dwyer, Gary Thompson and Dennis Reep testified in support of this bill on behalf of the NDWRDA. Other members of water resource districts and several other associations also testified in support of this bill.

II. 2019 Legislative Deadlines and Dates

March 8 Crossover for resolutions
May 2 Session is limited to 80 legislative days

III. HEARING SCHEDULE: March 4 - March 8, 2019

Date and Time	Bill Number	Short Title	Committee	Room
03/05/2019 9:00 AM	HB 1066	Relating to infrastructure funds, relating to oil and gas tax revenue allocations; to provide a continuing appropriation; to	Senate Finance and Taxation	Fort Lincoln

		provide for a report; and to provide an effective date.		
03/05/2019 10:30 AM	HB 1207	Relating to costs awarded to a defendant.	Senate Judiciary	Fort Lincoln
03/06/2019 9:30 AM	HB 1136	Relating to bid requirements for public improvements.	Senate Industry, Business, and Labor	Roosevelt Park
03/07/2019 8:30 AM	SB 2020	Relating to the authorization of a Bank of North Dakota line of credit; to provide for Red River valley water supply requirements; to provide an exemption; to provide for a report to the legislative management; and to provide a statement of legislative intent.	House Appropriations – Education and Environment Division	Roughrider
03/07/2019 9:00 AM	SB 2213	Relating to the southwest water authority and district budget tax levies.	House Political Subdivisions	Prairie
03/07/2019 9:00 AM	SB 2342	Relating to regulation of airboats to prevent excessive noise; and to provide a penalty.	House Energy and Natural Resources	Coteau A
03/07/2019 9:00 AM	SCR 4009	A resolution directing Legislative Management to consider studying the feasibility and desirability of the water resource boards in each drainage basin forming a joint water resource board to plan and construct water conveyance projects based on basinwide needs.	House Agriculture	Peace Garden
03/07/2019 9:00 AM	HB 1192	A bill relating to defining and delineating the ordinary high water mark of a navigable body of water; relating to the definition and determination of ordinary high water mark; and to provide for an application.	Senate Energy and Natural Resources	Fort Lincoln
03/07/2019 9:30 AM	SB 2295	Relating to permitting an irrigation district to assess lands requiring drainage as a result of irrigation works.	House Agriculture	Peace Garden

03/07/2019 10:30 AM	SB 2044	Relating to tampering with or damaging a critical infrastructure facility or a public service; and to provide a penalty.	House Energy and Natural Resources	Coteau A
03/07/2019 2:00 PM	SB 2358	Relating to the definition of a watercourse.	House Energy and Natural Resources	Coteau A
03/08/2019 2:00 PM	SB 2293	Relating to the creation of the aquatic nuisance species program fund and surcharges for fishing and waterfowl licenses; to amend and reenact section 20.1-02-16.1 of the North Dakota Century Code, relating to the investment of the state game and fish fund; and to provide a continuing appropriation.	House Energy and Natural Resources	Coteau A

IV. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
HB 1066	"Prairie Dog Bill"	PASSED	
HB 1085	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
HB 1087	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
HB 1136	Bid Requirements for Public Improvements	PASSED	
HB 1173	Appeals to Local Government Cost	PASSED	
HB 1192	Ordinary High Water Marks	PASSED	
HB 1207	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	
HB 1302	Sale of Property Acquired by Eminent Domain	PASSED	
HB 1320	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
HB 1356	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	
HB 1362	Railroad Right of Way Utility Applications	PASSED	
HB 1431	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	
HB 1521	Reporting Campaign Contributions	PASSED	
SB 2020	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
SB 2044	Damaging Critical Infrastructure Penalty		PASSED
SB 2090	Permits for the Appropriation of Water		PASSED

Haase, Reice J.

From: Haugen, Shelley K.
Sent: Monday, March 11, 2019 8:36 AM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 12

Shelley Haugen
Constituent Services

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From: ND Water Info <staff@ndwater.net>
Sent: Friday, March 08, 2019 5:15 PM
Subject: Legislative Report No. 12

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— North Dakota Water Users — March 8, 2019 No. 12

Legislative Report

Hearing Schedule (March 11 – March 15).

There are not hearings of bills scheduled for bill being tracked by the North Dakota Water Users Association.

I. This Week at the Legislature

[SB 2362](#) was introduced as a delayed bill yesterday, March 7. The bill would address the interpretation issues of how oil and gas extraction tax revenues generated on the Fort Berthold Indian Reservation are deposited into the Resources Trust Fund, the Common Schools Trust Fund

and the Foundation Aid Stabilization Fund. The bill stipulates that 20% of all the extraction tax collected in the state would be transferred to the Resources Trust Fund upon passage of the bill, which has an emergency clause. The bill has no reference to restoring funds that may not have been deposited under a different interpretation over the past decade.

[HB 1066](#) was heard before the Senate Finance and taxation committee on Tuesday, March 5- the Water Coalition support this bill, widely known as the "Project Prairie Dog" which revises the formula for the distribution of the gross production tax on oil and gas in a way that will fund Hub Cities and other oil-impacted communities in the 2019-2021 biennium at approximately the same rate as the current biennium. It would also establish "buckets" for non-oil producing cities, counties and townships to support infrastructure needs.

[HB 1136](#) passed the Senate with a vote of 42-0 on Friday, March 8. It was heard before the Senate Industry, Business and Labor committee on Wednesday, March 6. This bill allows a governing body to award a contract for each portion of the public improvement project that received bids and readvise for bids on the portion of the project that did not receive bids if a bid for general, electrical, or mechanical portions of a public improvement project are not received.

[HB 1192](#) was heard before the Senate Energy and Natural Resources committee on Thursday, March 7. This bill defines adds a definition of ordinary high water mark to N.D.C.C. ch. 61-33.1 and adds a section requiring the State Engineer maintain ordinary high water mark delineation guidelines as provided.

[HB 1207](#) awards reasonable costs awarded to defendants that prevail in eminent domain cases. The bill was heard before the Senate Judiciary committee on Tuesday, March 5.

[SB 2020](#) On March 7 and 8, the Education and Environment Division of the House Appropriations Committee - held nearly a day-and-a-half long hearing on Senate Bill 2020, the State Water Commission budget appropriation. Governor Burgum appeared and requested flexibility in the appropriation for water project funding when he introduced the SWC Budget.

On behalf of the Water Users Association and the Water Coalition, Alan Walter requested financial support for water projects across the State and requested that the Legislature:

- Fund State Water Commission administrative operations from the State General Fund
- Not reduce or divert the 20 percent of oil and gas extraction taxes from the Resources Trust Fund which supports water projects and infrastructure
- Consider credit options using Legacy Fund earnings to finance the completion of state water infrastructure

Throughout Thursday, the appropriators heard reports and requests for funding help with major flood control for Souris River Flood Protection, Lower Heart River Levy Recertification, Sheyenne River Flood Protection and it heard extended testimony in support and in opposition to the Fargo-Moorhead Area Diversion Project. The committee took testimony in support water supply grants with dedicated funding for rural water supply, and a continued commitment of funding for municipalities' water infrastructure, Western Area Water Supply, and Red River Valley Water Supply. The City of Devils Lake asked for consideration of the Lake Agassiz Water Authority to route water supply pipelines to the Sheyenne River upstream of the city.

The committee members received updates from the Southwest Pipeline Project and the Northwest Area Water Supply State and a request to invest in these state-owned capital assets. Water Resource Districts and irrigation representatives made a case for the continuation of the dedicated General Water Management funding that the Senate had proposed. The legislators also heard from several supporters of cloud modification and the weather monitoring efforts of the atmospheric resource board.

Friday's continued hearing focused almost entirely on the Fargo Moorhead Diversion Project, with questions from the committee about federal and local funding, finance cost, the private partnership proposal and progress on the interior flood control. Committee work on the bill is expected to continue throughout March.

[SB 2044](#) was heard before the House Energy and Natural Resources committee on Thursday, March 7. This bill provides penalties for tampering with critical infrastructure and defines critical infrastructure facility.

[SB 2213](#) was heard before the House Political Subdivisions committee on Thursday, March 7. This bill extends the sunset clause for the SWWA mill levy until 2030. Alan Walter testified on behalf of the NDWUA.

[SB 2293](#) was heard before the House Energy and Natural Resources committee on Friday, March 8. This bill creates funding mechanisms to support ANS programs through a \$3 surcharge on in state fishing licenses (excluding senior citizen and disabled licenses) and \$6 surcharge on out of state fishing waterfowl licenses. Mary Massad testified in support on behalf of the NDWUA.

[SB 2295](#) was heard before the House Agriculture committee on Thursday, March 7. This bill limits the creation of irrigation districts, adds permit requirements for drainage projects and ensures drainage benefits provided by an irrigation district do not impact the authority of a water resource board.

[SB 2342](#) was heard before the House Energy and Natural Resources committee on Thursday, March 7. This bill sets noise restrictions on the operation of airboat watercraft.

[SB 2358](#) was heard before the House Energy and Natural Resources committee on Thursday, March 7. This bill would study adding a creek, river, or stream appearing in a plat book to the definition of a watercourse.

[SCR 4009](#) was heard before the House Agriculture committee on Thursday, March 7. This bill would direct Legislative Management to consider studying the feasibility and desirability of the water resource boards in each drainage basin forming a joint water resource board to plan and construct water conveyance projects based on basin-wide needs.

II. 2019 Legislative Deadlines and Dates

May 2 Session is limited to 80 legislative days

III. HEARING SCHEDULE: March 11 - March 15, 2019

Date and Time	Bill Number	Short Title	Committee	Room
03/11/2019 3:00 PM	HB 1066	Relating to infrastructure funds; to amend and reenact subsection 5 of section 57-51-01 and sections 57-51-15, 57-51.1-07.3, and 57-51.1-07.5 of the North Dakota Century Code, relating to oil and gas tax revenue allocations; to provide a continuing appropriation; to provide for a report; and to provide an effective date.	Senate Appropriations	Harvest
03/12/2019 8:15 AM	SB 2275	Relating to the infrastructure revolving loan fund debt repayments; to amend and reenact sections 6-09-49, 6-09.4-06, and 6-09.4-10, subsection 6 of section 21-03-07, and sections 21-03-19, 57-15-06.6, and 57-47-02 of the North Dakota Century Code, relating to the infrastructure revolving loan fund, borrowing and lending authority, reserve funds, and expanded bonding authority for counties; to repeal section 61-02-78 of the North Dakota Century Code, relating to a revolving loan fund for water projects; to provide a transfer; to provide a continuing appropriation; to provide a bond issuance limitation; and to provide an effective date.	House Appropriations	Roughrider
03/12/2019 2:15 PM	SB 2148	Relating to disclosures of expenditures, restrictions on public officials and lobbyists, investigations of ethics violations; and to the prohibition on personal use of campaign contributions and the rulemaking procedures and requirements for the ND ethics commission.	Ethics	Brynhild Haugland
03/12/2019 3:45 PM	HB 1521	Relating to reporting campaign contributions and expenditures, restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the	Ethics	Brynhild Haugland

		Constitution of North Dakota; to amend and reenact section 16.1-08.1-01, subsection 4 of section 16.1-08.1-02.1, sections 16.1-08.1-02.3, 16.1-08.1-02.4, 16.1-08.1-03.1, 16.1-08.1-04.1, 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, 28-32-08, 28-32-08.1, 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, and 28-32-18.1, subsections 2 and 4 of section 28-32-19, and sections 28-32-27, 28-32-47, 28-32-48, and 28-32-49 of the North Dakota Century Code, relating to rulemaking procedures, disqualification of agency heads in quasi-judicial proceedings, implementing article XIV of the Constitution of North Dakota, and requirements for the North Dakota ethics commission; to provide for a penalty; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.		
03/13/2019 9:00 AM	SB 2362	Relating to the allocation of oil extraction tax; to provide an effective date; and to declare an emergency.	Senate Finance and Taxation	Lewis and Clark
03/13/2019 2:30 PM	HB 1362	Relating to the right of utilities to cross over or under a railroad right of way; and to provide for application.	Senate Industry, Business and Labor	Roosevelt Park
03/14/2019 10:45 AM	HB 1356	Relating to bids, plans, and specifications for public improvements and bond thresholds.	Senate Political Subdivisions	Red River
03/15/2019 8:30 AM	HB 1302	Relating to the sale of property acquired by eminent domain or acquired when the property was eligible for taking by eminent domain, but no longer needed for a public purpose.	Senate Political Subdivisions	Red River

IV. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
HB 1066	"Project Prairie Dog"	PASSED	

HB 1085	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
HB 1087	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
HB 1136	Bid Requirements for Public Improvements	PASSED	PASSED
HB 1173	Appeals to Local Government Cost	PASSED	
HB 1192	Ordinary High Water Marks	PASSED	
HB 1207	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	
HB 1302	Sale of Property Acquired by Eminent Domain	PASSED	
HB 1320	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
HB 1356	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	
HB 1362	Railroad Right of Way Utility Applications	PASSED	
HB 1431	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	
HB 1521	Reporting Campaign Contributions	PASSED	
SB 2020	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
SB 2044	Damaging Critical Infrastructure Penalty		PASSED
SB 2090	Permits for the Appropriation of Water		PASSED
SB 2091	Floodplain Management Community Standards	PASSED	PASSED
SB 2139	Snagging and Clearing		PASSED
SB 2148	Measure 1 Lobbyist Bill		PASSED
SB 2213	SW Water Authority Permanent Mill Levy		PASSED
SB 2275	Essential Infrastructure Revolving Loan Fund		PASSED
SB 2293	Aquatic Nuisance Species Program Fund		PASSED
SB 2295	Limiting Creation of Irrigation Districts		PASSED
SB 2342	Noise Restrictions on Watercraft		PASSED
SB 2358	Definition of a Watercourse		PASSED
SCR 4009	Joint Water Resource Board Study		PASSED

Haase, Reice J.

From: Haugen, Shelley K.
Sent: Monday, March 18, 2019 10:00 AM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 13
Attachments: 2019-2021 Biennium Analysis.pdf

Shelley Haugen

Constituent Services

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From: ND Water Info <staff@ndwater.net>
Sent: Friday, March 15, 2019 5:34 PM
Subject: Legislative Report No. 13

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— *North Dakota Water Users* — *March 15, 2019 No. 13*

Legislative Report

Final [executive](#) and [legislative](#) revenue forecasts were heard in joint Appropriations Committee meetings March 11-12.

The [March forecast numbers](#) were finalized March 14 by both committees. For the 2017-19 biennium, General Fund revenue increased \$40 million from the January forecast for total General Fund revenue of \$4.7 billion. For the 2019-21 biennium, appropriators reduced the January General Fund revenue forecast by \$174 million for a total of \$4 billion. However, this reduction results from adjusting the transfer of Legacy Fund earnings to the General Fund from \$300 million in the January forecast to \$100 million. There is a slight increase in General Fund tax revenue of \$25 million for 2019-21.

As of March 14, the estimated General Fund ending balance for the 2019-21 biennium is (\$900 million) based on pending legislation.

The March 14 revenue projection increased both the anticipated oil production and oil price in the 2019-21 biennium, increasing the January forecast oil price of \$42.50 per barrel to \$47/bbl this week; and increasing the average daily production from 1.35 million barrels per day to 1.38 MBPD.

The Resources Trust Fund, which is the major source of funding for the State Water Commission operations, capital projects and water project grants, receives 20% of the oil and gas extraction tax. The revenue forecast's impact on predictions for the deposits have not yet been published by Legislative Council but based on the forecast the Appropriations Committee is tentatively anticipating an additional \$62 million in the 2019-21 biennium over the \$350 million estimated in January. The committee also expects an increase of \$9.8 million to be deposited during the remainder of the 2017-19 biennium.

Additionally, the appropriations committee counting on an additional \$45.4 million with passage of SB 2362, which clarifies the distribution of extraction taxes from oil produced on the Fort Berthold Reservation. The House appropriators are also anticipating a \$23 million transfer from the Bank of North Dakota to the RTF if the infrastructure revolving loan fund contemplated in SB 2275 is adopted.

SB 2020 State Water Commission Budget Appropriation.

The House Appropriations Education and Environment Division spent substantial committee time Friday, reviewing the SWC budget in SB 2020. The subcommittee reviewed Engrossed SB 2020 as adopted by Senate and studied a Legislative Council prepared analysis (attached) of the Senate's version of the SWC budget.

Based on the revised revenue forecast and pending legislation, the subcommittee is anticipating an additional \$133 to \$140 million more funds in the RTF than the \$350 million the Senate was able to appropriate for grants and capital projects.

The committee considered, but did not adopt, several possible amendments to SB 2020, the Committee:

- Will likely add a tenth member (8th appointed) to the State Water Commission to represent the Heart, Cannonball and Little Missouri Rivers watersheds in Southwest North Dakota
- Will likely continue the previously adopted legislative intent of \$193 million for the Minot portion of the Mouse River Flood control to \$135.5 million over the next 3 biennia
- Will gather additional information on a proposed amendment anticipated from Rep. Delzer to shift the revenue to the Water Development Trust Fund from the \$16 to \$18 million in biennial Tobacco Settlement payments, instead to fund Human Services program. Potentially to be replaced by additional funds in the RTF
- Is unlikely to adopt an amendment offered to create a Missouri River advocacy board to promote recreation, water access and utilization of the river and its reservoirs. The

committee would have a similar responsibility to a board that would have been created in [HB 1428](#), which the House defeated earlier

I. This Week at the Legislature

[HB 1066](#) passed on the Senate floor with a vote of 46-0 on Thursday, March 14. This bill [was heard before the Senate Appropriations committee on Monday, March 11](#). This bill, widely known as the "Operation Prairie Dog Bill," revises the formula for the distribution of the gross production tax on oil and gas in a way that will fund Hub Cities and other oil-impacted communities in the 2019-2021 biennium at approximately the same rate as the current biennium. It would also establish "buckets" for non-oil producing cities, counties, airports, and townships to support infrastructure needs.

[HB 1302](#) was heard before the Senate Political Subdivisions committee on Friday, March 15. This bill allows the person whose land was taken by eminent domain by the state or a political subdivision to have the opportunity to purchase the land back if it is no longer needed for the purpose for which it was acquired.

[HB 1356](#) was heard before the Senate Political Subdivisions committee on Thursday, March 14. This bill requires that the state and its political subdivisions may not engage in the construction of public works involving the practice of professional engineering when the contemplated expenditure for the project exceeds the sum of two hundred fifty thousand dollars, unless the engineering drawings and specifications and estimates have been prepared by, and the construction administration and construction observation services are executed under the supervision of, a registered professional engineer.

[HB 1362](#) was heard before the Senate Industry, Business and Labor committee on Wednesday, March 13. This bill allows a utility to cross over or under the railroad right of way for the placement of facilities.

[HB 1521](#) was heard before the Ethics committee on Tuesday, March 12. This bill lays out campaign contribution disclosure requirements and the complaint procedure for campaign contribution violations by lobbyists.

[SB 2148](#) was heard before the Ethics committee on Tuesday, March 12. This bill establishes and ethics commission and outlines the complaint process for violations.

[SB 2275](#) was heard before the House Appropriations committee on Tuesday, March 12. This bill creates an infrastructure revolving loan fund at the Bank of North Dakota with the lending terms supported with earnings from the Legacy Fund.

[SB 2295](#) passed the House with a vote of 76-13 on Friday, March 15. This bill limits the creation of irrigation districts, adds permit requirements for drainage projects and ensures drainage benefits provided by an irrigation district do not impact the authority of a water resource board.

[SB 2362](#) was heard before the Senate Finance and Taxation Committee on Wednesday, March 13. This bill would address the interpretation issues of how oil and gas extraction tax revenues generated on the Fort Berthold Indian Reservation are deposited into the Resources Trust Fund, the Common Schools Trust Fund and the Foundation Aid Stabilization Fund. The bill stipulates that 20% of all the extraction tax collected in the state would be transferred to the Resources Trust Fund upon passage of the bill, which has an emergency clause. The bill has no reference to restoring funds that may not have been deposited under a different interpretation over the past decade. The Water Coalition, the Rural Water Systems Association and the State Engineer all testified in support of the bill, and advocated restoration of the estimated \$125 million that was not deposited into the RTF over the previous decade.

[SCR 4009](#) passed on the House floor on Wednesday, March 13. This bill would direct Legislative Management to consider studying the feasibility and desirability of the water resource boards in each drainage basin forming a joint water resource board to plan and construct water conveyance projects based on basin-wide needs.

II. 2019 Legislative Deadlines and Dates

May 2 Session is limited to 80 legislative days

III. HEARING SCHEDULE: March 18 - March 22, 2019

Date and Time	Bill Number	Short Title	Committee	Room
03/21/2019 9:30 AM	<u>HB 1431</u>	Relating to the parts of the state included in the southwest water authority and the membership of the board of directors of the southwest water authority; and to provide an effective date.	Senate Political Subdivisions	Red River

IV. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1066</u>	"Project Prairie Dog"	PASSED	PASSED
<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
<u>HB 1136</u>	Bid Requirements for Public Improvements	PASSED	PASSED
<u>HB 1173</u>	Appeals to Local Government Cost	PASSED	
<u>HB 1192</u>	Ordinary High Water Marks	PASSED	

<u>HB 1207</u>	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	
<u>HB 1302</u>	Sale of Property Acquired by Eminent Domain	PASSED	
<u>HB 1320</u>	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
<u>HB 1356</u>	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	
<u>HB 1362</u>	Railroad Right of Way Utility Applications	PASSED	
<u>HB 1431</u>	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	
<u>HB 1521</u>	Reporting Campaign Contributions	PASSED	
<u>SB 2020</u>	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
<u>SB 2044</u>	Damaging Critical Infrastructure Penalty		PASSED
<u>SB 2090</u>	Permits for the Appropriation of Water		PASSED
<u>SB 2091</u>	Floodplain Management Community Standards	PASSED	PASSED
<u>SB 2139</u>	Snagging and Clearing		PASSED
<u>SB 2148</u>	Measure 1 Lobbyist Bill		PASSED
<u>SB 2213</u>	SW Water Authority Permanent Mill Levy		PASSED
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund		PASSED
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		PASSED
<u>SB 2295</u>	Limiting Creation of Irrigation Districts	PASSED	PASSED
<u>SB 2342</u>	Noise Restrictions on Watercraft		PASSED
<u>SB 2358</u>	Definition of a Watercourse		PASSED
<u>SB 2362</u>	Allocation of Oil Extraction Tax		
<u>SCR 4009</u>	Joint Water Resource Board Study	PASSED	PASSED

Haase, Reice J.

From: Haugen, Shelley K.
Sent: Monday, March 25, 2019 9:26 AM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 14

Shelley Haugen
Constituent Services

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From: ND Water Info <staff@ndwater.net>
Sent: Friday, March 22, 2019 4:44 PM
Subject: Legislative Report No. 14

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— *North Dakota Water Users* — *March 22, 2019 No. 14*

Legislative Report

The deadline for rereferral of policy bills with fiscal impact to Appropriations Committees is Tuesday, March 26. Most policy committees have finished hearing assigned bills and will spend most of next week in committee work.

Conference committees to reconcile differences between bills that have passed both chambers are beginning. Conference committees will be meeting through the remainder of the session to coordinate bill language so both the House and Senate can adopt identical language. The conference committees are generally made up of three members of each committee that heard the bill and can be arranged with as little as 15 minutes notice. These committee meetings can sometimes be another chance to influence policy outcomes.

Contact Legislators!

The Water Users Association has initiated an **Action Alert** to support [SB 2275](#). This bill will create a low-interest, long-term revolving loan fund for Water infrastructure investments. The bill has already passed the Senate. In order for this important bill to pass the House, you should contact [Representatives](#) to urge support for the measure which would create a \$450 million loan program to support critical infrastructure, major flood control and regional water supply with loans at 2% interest for up to forty years.

Please call or write you legislators requesting support for this bill!

Hearing Schedule (March 25 – March 29).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

I. This Week at the Legislature

[HB 1362](#) passed the Senate floor with a vote of 46-0 on Thursday, March 21. This bill allows a utility to cross over or under the railroad right of way for the placement of facilities.

[HB 1431](#) was heard before the Senate Political Subdivisions Committee on Thursday, March 21. This bill removes Mandan from SW Water Authority's mill levy.

[SB 2213](#) failed the House with a vote of 27-65 on Tuesday, March 19. This bill would have extended the SWWA one mill levy until 2030.

[HB 1192](#) passed the Senate floor with a vote of 39-6 on Wednesday, March 20. This bill defines adds a definition of ordinary high-water mark to N.D.C.C. ch. 61-33.1 and adds a section requiring the State Engineer maintain ordinary high-water mark delineation guidelines as provided.

[SB 2020](#) is the budget appropriation for the State Water Commission. The Education and Environment Division of the House Appropriations Committee spent much of its committee time on Thursday and Friday reviewing the provisions of the bill as adopted by the Senate. The subcommittee reviewed projects, programs and capital assets. Clarification on water projects was gained from the SWC staff, and representatives of the Fargo Moorhead Diversion, Mouse River Flood Protection Plan, Red River Water Supply Project, League of Cities and Rural Water. The committee is gathering information and no action was taken.

[SB 2090](#) passed the House with a vote of 78-7 on Friday, March 22. This bill exempts reuse of fossil byproduct water from requiring a water permit, clarifies that a legal interest in the point of diversion or place of use for irrigation water is required, and puts into statute the long-standing practice of having a 30-day comment period on water permit applications. It also increases the costs. All new water permit applications increased from \$200 to \$500,

<u>SB 2091</u>	Floodplain Management Community Standards	PASSED	PASSED
<u>SB 2139</u>	Snagging and Clearing		PASSED
<u>SB 2148</u>	Measure 1 Lobbyist Bill		PASSED
<u>SB 2213</u>	SW Water Authority Permanent Mill Levy		PASSED
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund		PASSED
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		PASSED
<u>SB 2295</u>	Limiting Creation of Irrigation Districts		PASSED
<u>SB 2342</u>	Noise Restrictions on Watercraft		PASSED
<u>SB 2358</u>	Definition of a Wartercourse		PASSED
<u>SCR 4009</u>	Joint Water Resource Board Study		PASSED

industrial permits are now \$1,000, and amendments are raised to \$100. The \$250 under 2,500 population break will also go away.

[SB 2275](#) received a 15-3 Do Not Pass recommendation from the House Appropriations Committee, however water leaders are hoping to convince the full House of Representatives to adopt the bill. This bill will create a low-interest, long-term revolving loan fund for water infrastructure investments. We are encouraged that cities, counties, general contractors, and transportation advocates support the Infrastructure Revolving Loan Fund and will work together to secure passage of SB 2275 or if unsuccessful to jointly look for options to create an Infrastructure Revolving Loan Fund in another bill.

[SB 2293](#) received a 14-0 Do Pass recommendation from the House Energy and Natural Resources Committee and referred the bill to the Appropriations Committee. The bill creates a \$3 surcharge on fishing licenses and a \$15 per boat "sticker" to finance an Aquatic Nuisance Species fund for programming, facilities and two Game and Fish Department staff for ANS inspection, monitoring, and education.

[SB 2342](#) passed the House with a vote of 60-25 on Friday, March 22. This bill sets noise restrictions of 88 decibels for no more than 10 minutes on the operation of watercraft during the hours of 12am-5am.

II. Bills Affecting Landowners

[SB 2360](#) passed the House with a vote of 74-18 on Monday, March 18. This bill changes the definition of farm income from net to gross income for purposes of qualification for the farm home property tax exemption. The bill adopts the IRS definition of a farmer, which is two-thirds or more of annual gross income from farming activities during any of the two preceding calendar years. The bill also removes the present \$40,000 cap for allowable off-farm income.

[HB 1020](#) was heard before the Senate Appropriations Committee on Wednesday, March 20. This bill is the budget for the NDSU Research and Extension. House action resulted in a 6% decrease from the 2017-19 base level funding for the main station. This is following a 13% cut in 2017-19 biennium. Extension held even with the 2017-19 funding level. Funding for SBARE priorities include one-time funding of \$1.4 million from the strategic investment and improvements fund for extraordinary repairs and \$750,000 for the Williston seed cleaning plant, including \$250,000 from the general fund and \$500,000 from other funds.

[SB 2315](#) was heard before the House Agriculture Committee on Thursday, March 21. This bill reverses the presumption that all land is considered open to trespass and requires people to seek permission to access private property, except for hunting, where designations of open or closed will be indicated on an electric database. This bill also allows traditional signs to be used if landowners prefer them. The bill establishes an advisory group of landowners and sportsmen to manage the development of the land database.

[SB 2344](#) was heard before the House Energy and Natural Resources Committee on Thursday, March 21. This bill is intended to clarify that underground injection for CO2 or natural gas

storage, enhanced oil recovery, and saltwater disposal do not constitute a “damage” to pore space. The bill is considered by many landowners to be a “taking” of landowners property. The House Energy and Natural Resources Committee gave it a 10-2 do pass recommendation on March 21.

III. 2019 Legislative Deadlines and Dates

May 2 Session is limited to 80 legislative days

IV. HEARING SCHEDULE: March 25 - March 29, 2019

Date and Time	Bill Number	Short Title	Committee	Room
03/26/2019 9:00 AM	SB 2020	Committee Work – State Water Commission Relating to the authorization of a Bank of North Dakota line of credit; to provide for Red River valley water supply requirements; to provide an exemption; to provide for a report to the legislative management; and to provide a statement of legislative intent.	House Appropriations – Education and Environment Division	Roughrider
03/26/2019 9:00 AM	HB 1290	Relating to prohibiting entry onto private land without permission.	Senate Judiciary	Pioneer
03/28/2019 3:45 PM	HB 1521	Relating to reporting campaign contributions and expenditures, restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota; to amend and reenact section 16.1-08.1-01, subsection 4 of section 16.1-08.1-02.1, sections 16.1-08.1-02.3, 16.1-08.1-02.4, 16.1-08.1-03.1, 16.1-08.1-04.1, 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, 28-32-08, 28-32-08.1, 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, and 28-32-18.1, subsections 2 and 4 of section 28-32-19, and sections 28-	Ethics	Pioneer

		32-27, 28-32-47, 28-32-48, and 28-32-49 of the North Dakota Century Code, relating to rulemaking procedures, disqualification of agency heads in quasi-judicial proceedings, implementing article XIV of the Constitution of North Dakota, and requirements for the North Dakota ethics commission; to provide for a penalty; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.	
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V. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
HB 1066	"Project Prairie Dog"	PASSED	PASSED
HB 1085	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
HB 1087	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
HB 1136	Bid Requirements for Public Improvements	PASSED	PASSED
HB 1173	Appeals to Local Government Cost	PASSED	
HB 1192	Ordinary High Water Marks	PASSED	PASSED
HB 1207	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	
HB 1302	Sale of Property Acquired by Eminent Domain	PASSED	
HB 1320	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
HB 1356	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	
HB 1362	Railroad Right of Way Utility Applications	PASSED	PASSED
HB 1431	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	
HB 1521	Reporting Campaign Contributions	PASSED	
SB 2020	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
SB 2044	Damaging Critical Infrastructure Penalty		PASSED
SB 2090	Permits for the Appropriation of Water	PASSED	PASSED
SB 2091	Floodplain Management Community Standards	PASSED	PASSED
SB 2139	Snagging and Clearing		PASSED
SB 2148	Measure 1 Lobbyist Bill		PASSED

<u>SB 2213</u>	SW Water Authority Permanent Mill Levy	FAILED	PASSED
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund		PASSED
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		PASSED
<u>SB 2295</u>	Limiting Creation of Irrigation Districts	PASSED	PASSED
<u>SB 2342</u>	Noise Restrictions on Watercraft	PASSED	PASSED
<u>SB 2358</u>	Definition of a Watercourse		PASSED
<u>SCR 4009</u>	Joint Water Resource Board Study	PASSED	PASSED

Haase, Reice J.

From: Haugen, Shelley K.
Sent: Monday, April 1, 2019 12:13 PM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 15

Shelley Haugen
Constituent Services

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From: ND Water Info <staff@ndwater.net>
Sent: Friday, March 29, 2019 3:57 PM
Subject: Legislative Report No. 15

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— *North Dakota Water Users* — *March 29, 2019 No. 15*

Legislative Report

Hearing Schedule (April 1 – April 5).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

I. This Week at the Legislature

HB 1207 Reasonable Costs Awarded to Eminent Domain Defendant
Extensively discussed in committee.

This bill awards attorney's fees to defendants that prevail in eminent domain cases if the award for compensation and damages is less than the written offer of settlement submitted by the condemning authority at least 60 days before trial or if the taking is deemed not for a public use or unlawful. This bill was given a 4-2 Do Not Pass recommendation from the committee but it will be discussed further to clarify the language and possibly reconsider the bill before it is sent to the Senate floor.

HB 1302 Sale of Property Acquired by Eminent Domain

Failed the Senate floor with a vote of 5-41 on Tuesday, March 26.

This bill would have allowed the person whose land was taken for eminent domain by the state or a political subdivision to have the opportunity to purchase the land back if it is no longer needed for the purpose it was obtained. This bill failed on the floor due to the many concerns with the language and unanimous opposition at the hearing.

HB 1356 Bids, Plans and Specifications for Public Improvements and Bond Thresholds

Passed the Senate floor with a vote of 39-6 on Monday, March 25.

This bill requires that the state and its political subdivisions may not engage in the construction of public works involving the practice of professional engineering when the contemplated expenditure for the project exceeds the sum of two hundred fifty thousand dollars, unless the engineering drawings and specifications and estimates have been prepared by, and the construction administration and construction observation services are executed under the supervision of, a registered professional engineer.

HB 1431 Removal of Mandan from SW Water Authority's Mill Levy

Failed the Senate floor with a vote of 47-0 on Wednesday, March 27.

This bill would have removed Mandan from SW Water Authority's mill levy. This bill failed because it was no longer necessary due to SB 2213 failing in the House (SB 2213 would have extended the SWWA one mill levy).

SB 2020 Appropriation for Defraying the Expenses of the State Water Commission

The House Appropriations Education and Environment Division continues to review the State Water Commission budget in SB 2020. It has discussed many possible changes to the version of Engrossed SB 2020 adopted by the Senate.

Based on the revised revenue forecast the subcommittee is anticipating the possibility of an additional \$83 million more funds than the \$350 million than the Senate appropriated for grants and capital projects. Potentially, there is an additional \$140 million more with the higher revenue forecast and if other pending legislation is adopted.

The committee is considering possible amendments including:

- Adding a 10th member (8th appointed) to the State Water Commission to represent watersheds in the Southwest
- Continuation of the previously adopted legislative intent of \$193 million for the interior-Minot portion of the Mouse River Flood control to support \$135.5 million over the next 3 biennia
- Changing the Tobacco Settlement payments to the Water Development Trust Fund of \$16 to \$18 million to fund Human Services instead of the WDTF

- Creation of a Missouri River advocacy council that would have been created in [HB 1428](#), which the House previously defeated
- Certification requirement of minimal downstream impact from operation of the FM Diversion
- Provision that funds returned to SWC by projects due to cost-savings, are restored in the “bucket” from which the funds were derived
- Possible line item appropriations for each project
- Establish a “contingency” funding line for SWC flexibility and to address emergencies
- Increase commitment to NAWS

[SB 2044](#) **Damaging Critical Infrastructure Penalty**

Passed the House with a vote of 76-14 on Monday, March 25.

This bill provides penalties for tampering with critical infrastructure and defines what a critical infrastructure facility is.

[SB 2275](#) **Essential Infrastructure Revolving Loan Fund**

Failed the House with a vote of 34-55 on Monday, March 25.

This bill would have created a large scale low-interest, long-term revolving loan fund at the Bank of North Dakota with the lending terms supported with earnings from the Legacy Fund for water projects and other infrastructure investments. This bill failed due to the bonding repayment of \$55M+ per biennium obligation from the state for the next 15 biennia.

The Education and Environment Division of the House Appropriations Committee discussed expanding the existing revolving loan within Senate Bill 2020, the State Water Commission budget appropriations bill and it asked the Bank of North Dakota and Legislative Council to consider other funding sources.

[SB 2358](#) **Definition of a Watercourse**

Passed the House with a vote of 89-2 on Thursday, March 28.

This bill would add a creek, river, or stream appearing in a USGI topographical map to the definition of a watercourse.

[SB 2362](#) **Oil and Gas Extraction Tax Revenues**

Heard before the Senate Appropriations Committee on Friday, March 28.

This bill is a delayed bill that would address the interpretation issues of how oil and gas extraction tax revenues generated on the Fort Berthold Indian Reservation are deposited into the Resources Trust Fund, the Common Schools Trust Fund and the Foundation Aid Stabilization Fund. As introduced, the bill stipulates that 20% of all the extraction tax collected in the state would be transferred to the Resources Trust Fund. This could increase deposits to the RTF by \$45.4 million.

The Senate Finance and Tax Committee amended the bill to increase the allocation of the extraction tax revenues to the RTF by 0.5% until \$128,740,000 is transferred from the increased share. This represents an estimate of the total funds that were not deposited in the RTF under a different interpretation of distributions since 2009. Under current oil price and production forecasts, an additional \$11 million could be transferred with the increased share. The ND Water Coalition provided testimony in support of the bill at the hearing.

II. 2019 Legislative Deadlines and Dates

May 2 Session is limited to 80 legislative days

III. HEARING SCHEDULE: April 1 - April 5, 2019

Date and Time	Bill Number	Short Title	Committee	Room
04/02/2019 10:00 AM	SB 2362	Relating to the allocation of oil extraction tax; to provide a contingent appropriation; to provide for a transfer; to provide an effective date; to and to declare an emergency.	House Finance and Taxation	Fort Totten

IV. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
HB 1066	"Project Prairie Dog"	PASSED	PASSED
HB 1085	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
HB 1087	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
HB 1136	Bid Requirements for Public Improvements	PASSED	PASSED
HB 1173	Appeals to Local Government Cost	PASSED	
HB 1192	Ordinary High Water Marks	PASSED	PASSED
HB 1207	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	
HB 1302	Sale of Property Acquired by Eminent Domain	PASSED	FAILED
HB 1320	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
HB 1356	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	PASSED
HB 1362	Railroad Right of Way Utility Applications	PASSED	PASSED
HB 1431	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	FAILED
HB 1521	Reporting Campaign Contributions	PASSED	
SB 2020	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
SB 2044	Damaging Critical Infrastructure Penalty	PASSED	PASSED
SB 2090	Permits for the Appropriation of Water	PASSED	PASSED
SB 2091	Floodplain Management Community Standards	PASSED	PASSED

<u>SB 2139</u>	Snagging and Clearing		PASSED
<u>SB 2148</u>	Measure 1 Lobbyist Bill		PASSED
<u>SB 2213</u>	SW Water Authority Permanent Mill Levy	FAILED	PASSED
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund	FAILED	PASSED
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		PASSED
<u>SB 2295</u>	Limiting Creation of Irrigation Districts	PASSED	PASSED
<u>SB 2342</u>	Noise Restrictions on Watercraft	PASSED	PASSED
<u>SB 2358</u>	Definition of a Watercourse	PASSED	PASSED
<u>SB 2362</u>	Oil and Gas Extraction Tax Revenues		
<u>SCR 4009</u>	Joint Water Resource Board Study	PASSED	PASSED

Haase, Reice J.

From: Geoff Simon <geoff@ndenergy.org>
Sent: Friday, April 5, 2019 7:02 PM
To: Haase, Reice J.
Subject: Here are the week's top North Dakota energy stories

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April 5, 2019 -- Shootin' Hoops at the Capitol



Legislators and lobbyists competed this week in a basketball fundraiser for Special Olympics. Pictured taking aim are New England Rep. Mike Schatz and Grand Forks Rep. Matt Eidson.

Williston Schools to Meet at the Capitol Gov Invites #1 and #8 Boards to Discuss Issues



The boards of the two school districts that educate students from the City of Williston have been invited to the Capitol next week to a special meeting with Governor Doug Burgum and the State Board of Public Education.

The letter of invitation says the purpose of the meeting is "to discuss issues regarding enrollment, tuition and annexation" between Williston District #1 and Williams County District #8. Several legislators are also expected to sit in on the meeting which is scheduled Friday, April 12, at 11:00 a.m. in the Brynhild Haugland Room.

Both school districts have upcoming bond elections (details below). Williston #1 voters head to the polls next week, and Williams County #8 will vote on May 14.

There have been a number of recent annexation petitions in the county, nearly all of which are District #8 patrons petitioning to join District #1. The Williston #1 board and administrators have made several appearances at the legislature this year in support of bills that would help pay for new school construction. Enrollment in the district has more than doubled in the past 10 years, now topping 4,400 students. But geographically it's the smallest district in the state at just 16 square miles, and as a result has a small tax base from which to draw revenue. It is surrounded by District #8 which includes a large portion of the Williston city limits, and all the industrial property outside the city limits.

Click [here](#) to see the letter of invitation.

Click [here](#) to see a detailed GIS map of the Williams County school districts.

School Dissolution, Cooperation Bills Approved



Characterizing the city's school situation as a "crisis," Williston Senator Brad Bekkedahl persuaded his colleagues to support legislation this week that could facilitate the merger of adjoining school districts.

[HB 1434](#) received a Do NOT Pass recommendation from the Senate Education Committee, but Bekkedahl's impassioned floor speech flipped the Senate and the bill passed 31-16. In his eight-minute [floor speech](#), he pointed out that although Williston District #1 receives oil tax revenue, 75% of the amount is deducted from its state Foundation Aid payment. Bekkedahl said no other district is facing a financial challenge like that of Williston #1.

Click [here](#) for comments from Sen. Bekkedahl.

The dissolution bill provides for the merger of adjoining school districts if one dissolves. During his remarks, Bekkedahl referenced another bill that passed this week that could help the situation. He said [HB 1125](#), which passed the House 91-0, would allow a cooperative plan between districts with taxable property located in the same city.

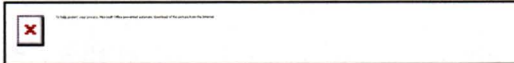
Click [here](#) to listen to Bekkedahl's comments.

The cooperation bill, sponsored by Williston Rep. David Richter, isn't specific to Williston, but the city's school issue was used as an example by Rep. Don Longmuir, R-Stanley, when the bill was originally passed by the House 88-0 in January.

Click [here](#) to listen to Longmuir's comments.

An emergency clause was added to the bill by the Senate, which is why it received two votes in the House. It now goes to Governor Burgum for his signature.

Four School Bond Votes Coming Up Elections in Williston, Dickinson and Ray



Williston School District No. 1

Williston School District No. 1 will go to the polls for the third time in a year to decide whether to fund a \$60 million bond issue to expand Williston High School, build two new elementary schools, and renovate other elementary schools in the district. Voters will also decide if the school district can increase its building fund levy from 10 mills to 20 mills.

Enrollment in the district has continued to skyrocket and has more than doubled in 10 years. Enrollment projections show the trend is expected to continue stressing already overcrowded facilities.

The special election is set for Tuesday, April 9. Click [here](#) for an informational video from the school district. Click [here](#) for the "Notice of Special Election."

Williams County School District No. 8

The special election in Williams Co. Public School District No. 8 will take place on Tuesday, May 14. The bond referendum vote would provide funding to build two 600 capacity elementary schools and a high school with a football field and sports facilities. Currently without a high school, District 8 students attend high school in Williston Public School District 1.

Just like enrollments in its neighbor district in Williston, enrollments are going through the roof with projections showing enrollments nearly doubling to 1,200 in just five years. The school district has scheduled a series of community meetings to describe school plans and to get community input. Click [here](#) for the meeting schedule.

For more information on the bond election including an enrollment analysis, click [here](#). For an article from the Williston Herald on both Williston school bond elections, click [here](#).

Nesson Public School District No. 2

Another school bond vote is coming up on Tuesday, May 14, in Ray, North Dakota, for Nesson School District No. 2. This district is [adjacent](#) to Williams County School District No. 8 and has been experiencing a similar rate of enrollment growth.

The bond referendum, if passed by school district voters, would provide \$10 million for school construction purposes, namely an addition to the existing high school.

Click [here](#) for more information about the election and [here](#) for an article from the Tioga Tribune on the school facility challenges in Ray.

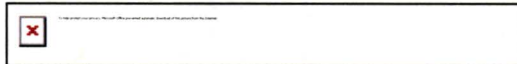
Dickinson Public School District No. 1

Tuesday, May 7, is the date for the school bond election in Dickinson. On the ballot will be a bond referendum which, if passed, would provide \$115 million to construct and equip school buildings, including the construction of a new high school and elementary school. In addition, the funds would be used to make site improvements to school property.

Just like other schools in western North Dakota, increasing enrollment is putting pressure on existing facilities. In just 10 years, the school district has seen an increase of nearly 1,300 students and the growth is expected to continue.

Public meetings are scheduled throughout April. For an informative video on building plans along with the schedule for the public engagement meetings, click [here](#). For the "Notice of Election," click [here](#).

No Infrastructure Tampering Allowed Critical Infrastructure Protection Bill OK'd



A bill introduced in mid-January to deter tampering with pipelines and other critical infrastructure has made its way through the North Dakota Legislature with strong majorities in both chambers. The bill now moves to Gov. Burgum's desk.

[SB 2044](#) was introduced by Sen. Janne Myrdal, R-Edinburg, after environmental activists turned an oil pipeline valve in her district in 2016.

The bill defines penalties for not only those individuals found guilty of tampering, but also for any organizations that are found to be a conspirator with the individual. The language in the bill defines critical infrastructure ranging from petroleum refineries and electric power plants to natural gas compressor stations and underground pipelines.

The bill passed the Senate on Feb. 15 on a 42-3 vote and moved to the House where amendments were added. It passed the House 76-14, and the Senate concurred with the amendments on a vote of 43-4.

Click [here](#) to listen to Sen. Jessica Unruh, R-Beulah, chair of the Senate Energy and Natural Resources Committee, describe the House amendments that were approved.

Opposed to the bill were environmental groups and the American Civil Liberties Union of North Dakota who claimed the measure stifles free speech, despite language that would protect the "lawful assembly and peaceful and orderly petition for the redress of grievances."

Infrastructure Protesting Legislation in South Dakota Faces Lawsuit

According to an article in [Inside Climate News](#), North Dakota and South Dakota are two of nine states to pass legislation addressing infrastructure tampering. South Dakota Governor Kristi Noem signed [SB 189](#)

into law last Wednesday. It would require pipeline companies to help pay extraordinary expenses such as the cost of policing during protests, and to seek money from demonstrators who engage in "riot boosting," which is defined as encouraging violence during a riot. Since then, the ACLU [announced](#) it is suing state officials in federal court believing the legislation suppresses free speech.

Click [here](#) for an article from the Argus Leader on Noem's signing of the legislation and [here](#) for an article on the pending lawsuit.

Update: McKenzie County Flood Funds Set Up to Help Affected Families



The waters are slowly starting to recede in far western McKenzie County around Cartwright and Fairview, but several families still cannot return to their homes.

"People will not be able to go back to a lot of these homes," said Karolin Jappe, McKenzie County Emergency Manager. "There are houses that are simply not salvageable. It's pretty sad."

Jappe has updated the McKenzie County Emergency Management [Facebook page](#) with pictures, some showing flooded homes and others showing ruptured bins from water-logged grain.

Rapid snow melt and ice jams caused the flooding that came on fast. Click [here](#) for Jappe's comments.

Last week, it was reported that 49 families had been forced out of their homes from overland flooding. Today, Jappe says that about 25 have damage that is keeping families away and about half that number have serious damage that could make the house beyond repair.

Funds have been set up to assist families. Jappe said financial help is needed quickly. Click [here](#) to listen to her comments.

North Dakota Community Foundation set up a Disaster Response Fund to help flood victims in McKenzie County. Money donated to this fund will be used to give grants to agencies assisting individuals affected. Click [here](#) to make your donation.

Lutheran Social Services has set up a Flooding Disaster Relief portal to accept donations. Click [here](#) to access this fund.

In addition, First International Bank & Trust in Watford City has established an account for flood-stricken families. To donate, go to a branch office of the bank [near you](#) or send your donation to:

First International Bank & Trust
P.O. Box 607
Watford City, ND 58854
Attention: McKenzie County Flood Recovery

Click [here](#) for an article from the Williston Herald on flood recovery efforts in McKenzie County.

McKenzie County Commission Approves Emergency Declaration

This week the McKenzie County Commission unanimously approved an emergency declaration which has been sent to the ND Department of Emergency Services and the Governor's office. The declaration will make the county eligible to receive state money for public assistance. Federal money could be made available should the governor request a presidential disaster declaration.

A number of county road closures remain in effect in far western McKenzie County. For updated information on closures, click [here](#).

Reimbursement Bill Receives Final Approval Misallocated Revenue to be Repaid to State Funds



Legislation that would repay state funds that did not receive the correct amount of oil tax revenue for more than 10 years received final approval in the House this afternoon.

[SB 2362](#), a delayed bill to address the misallocation, passed the House on a unanimous 85-0 vote. The problem was pointed out earlier this year by Land Commissioner Jodi Smith, who discovered that the portion of the extraction tax from oil produced on the Fort Berthold Reservation had not been deposited in three state funds as provided by the North Dakota Constitution.

The confusion about the proper allocation of funds began following enactment of a state-tribal tax sharing agreement in 2007. During a hearing on the bill this week in the House Finance and Taxation Committee, State Treasurer Kelly Schmidt explained how ambiguity in the constitution and state laws led to the misallocation. She pointed out the language of [Article X](#), Section 24, which provides for distribution of the extraction tax to two school funding accounts, differs from Section 26, which provides for the transfer of oil tax revenue to the Legacy Fund.

Click [here](#) to listen to Schmidt's comments.

The bill would transfer about \$64.4 million to the Common Schools Trust Fund from the state's general fund at the end of the 2019-21 biennium, but does not provide for payment of the estimated \$12 million in interest that would have been earned if the money had been in the trust fund. The bill would also increase by 0.5% the 20% of extraction tax now devoted to the Resources Trust Fund until the approximately \$130 million owed to the fund is repaid. At current oil price and production, that could take 20 years or more. The bill does not include repayment of money to the Foundation Aid Stabilization Fund, which is essentially a holding account from which funds are spent soon after they are deposited.

The bill now goes to Governor Burgum for his signature.

Infrastructure, Income Tax Bills Resurrected



Yogi Berra is famous for saying, "It ain't over 'til it's over," and it certainly applies to the life of policy proposals considered by the North Dakota Legislature. Bills aimed at providing low interest loan for local government infrastructure projects and reducing state income taxes that were previously defeated came back to life in other bills this week.

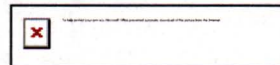
The infrastructure bonding provisions in [SB 2275](#), previously defeated in the ND House, were attached to [HB 1014](#), the budget bill for the North Dakota Industrial Commission. Likewise, the proposal to use Legacy Fund earnings to reduce personal and corporate income tax found in [HB 1530](#), previously killed in the Senate, reappeared this week as an amendment to [SB 2006](#), the budget bill of the state tax commissioner.

SB 2275, sometimes referred to as Prairie Dog III, would use Legacy Fund earnings to buy bonds to finance up to \$500 million in low interest loans to political subdivisions. HB 1530 would have transferred half of legacy fund earnings each biennium to an income tax rate reduction fund.

Another important funding bill that was stripped of its bonding provisions received final approval in the Senate today, and a new source of revenue is expected to resurface in another bill. [SB 2268](#), the Corridors of Commerce bill that could support widening of Highway 85 in western North Dakota, passed the Senate 45-1. Its sponsor, Senator Dale Patten, R-Watford City, said despite its lack of funding, it can be "used as a vehicle to provide matching funding for federal highway grants in the future."

Patten joked that it's a "road bill without any money for roads," but said privately he expects \$50 million will be included in the ND Department of Transportation budget in the form of a loan from the Bank of North Dakota to provide the matching funds.

Pore Space Bill Goes to Conference Committee



Legislation aimed at addressing the right to use underground pore space that has pitted landowners against oil industry interests is headed for a House-Senate conference committee to try to work out the differences.

[SB 2344](#), introduced by Sen. Jessica Unruh, R-Beulah, has come under fire because, among other things, the bill provides a new definition of land that says it "means the solid material of earth, regardless of ingredients, but excludes pore space." The language upsets property owners who say it amounts to taking away rights to their land. Industry supporters have countered that the legislation is necessary to provide certainty to the industry. They say a recent Supreme Court opinion that said current law may require that surface owners be compensated for use of pore space could drive oil producers out of the state.

Senate members of the conference committee include Unruh and Senators Don Schaible, R-Mott, and Merrill Piepkorn, D-Fargo. House conferees are Rep. George Keiser, R-Bismarck, Rep. Shannon Roers-Jones, R-Fargo, and Rep. Alisa Mitskog, R-Wahpeton.

Senator Unruh, who will chair the committee, said its first meeting will probably occur Tuesday.

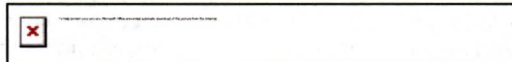
Conference Committees Stacking Up

Today was Day 61 of the 2019 North Dakota Legislature. Today was also the deadline for all bills to be reported out of committee in their second house. From this point forward, legislative action will occur in conference committees or on the floor of each chamber.

Conference committees are appointed when one chamber disagrees with amendments to a bill added by the other house. As of this afternoon, no fewer than 55 conference committees were looking to find time to schedule a meeting next week, and more are likely as additional disagreements occur.

Click [here](#) to see the conference committee schedule.

Washington Amends Crude Rail Bill



Legislators in the state of Washington approved a revised version of a bill this week that could potentially shut down shipments of Bakken crude through their state.

The House Environment and Energy Committee voted to approve a "striking amendment" that would require crude shipped in the state to have a vapor pressure of less than nine pounds per square inch, but only if the volume of crude shipped increases by more than five percent a year.

North Dakota officials opposed the original bill. Lynn Helms, director of the Department of Mineral Resources told the committee last month the state of North Dakota would sue under provisions of the Interstate Commerce Clause if the bill passed in its current form.

The amendment was offered by committee chairman Joe Fitzgibbon, D-Seattle, who said it responds to concern about potential job losses, and that blocking Bakken crude would mean more oil coming into the state in cargo ships through Puget Sound.

Click [here](#) to listen to Fitzgibbon's comments.

The ranking Republican on the committee, Rep. Mary Dye from Pomeroy, WA, said even though the bill's prime sponsor, Democrat Senator Andy Billig is from Spokane, it doesn't reflect the wishes of Spokane citizens who voted last November against a local resolution that would have levied fines on trains hauling untreated crude.

Click [here](#) to listen to Dye's comments.

The bill passed the committee on a 7-3 vote. One opponent of the bill said he remained concerned about the constitutionality of the measure, so further amendments are possible.

Click [here](#) to read the striking amendment. Click [here](#) for a Bismarck Tribune article about ND opposition.

New Economic Director for Beulah



Granville "Beaver" Brinkman is the new economic director for Beulah. He just started the position this week and has been spending his first days with area businesses to understand what their needs are and what the city can do to support them.

"With the Governor's focus on Main Street, we are going to make that one of our priorities," Brinkman said. "We have a large retail business, Shopko, that will be leaving town this month and finding a new tenant for that building is a high priority also."

Brinkman grew up on a ranch in Golden Valley where he attended high school. He is a graduate of Dickinson State University with a bachelor's degree in business and an associate's degree in agriculture.

After college, Brinkman worked in Alaska for a tribal corporation where he inspected native housing.

Click [here](#) to listen to his comments regarding his new position and his work in western North Dakota.

Click [here](#) for an article from the Beulah Beacon on Brinkman's appointment.

Photo used with permission from the Beulah Beacon.

Watford City Senior to be Featured Speaker National Education Forum in Washington D.C.



She's a senior at Watford City High School and a member of ND Superintendent of Public Instruction Kirsten Baesler's Student Cabinet. She's Gracie Johnsrud and on April 8, she will be in Washington D.C. with Baesler addressing a national forum of top state education officials and executive and philanthropic leaders.

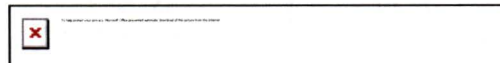
Education leaders in other states are curious about how the North Dakota Student Cabinet operates. "They're very intrigued about the idea of students becoming a meaningful part of the creation of policy and decisions, rather than being just an advisory group that meets sometimes," said Kirsten Baesler in a DPI news release.

Past suggestions from Cabinet members have supported a number of North Dakota education policy changes, including support for school safety measures and greater availability of advanced coursework in schools. Members of the present Cabinet have focused on updating North Dakota's anti-bullying law and deliberating about ways to prevent teen suicide.

Baesler formed the Superintendent's Student Cabinet in April 2015. Its members serve for 18 months, and some have been appointed to second terms. Its members are chosen from the fourth grade through the first year of college. The cabinet's size has ranged from 18 to 20 members.

The forum is hosted by the Council of Chief State School Officers, an organization that represents state education agencies. Baesler is a member of the CCSSO's board of directors.

Write it Down! WDEA Annual Meeting



Get this on your calendar! The Annual Meeting of the Western Dakota Energy Association will be held:

October 30 - 31, 2019
Grand Hotel
Minot, ND

Quick Connect



- McKenzie County Commission revisits flood insurance -- [KXMB-TV](#)
- April brings final countdown for ND legislative session -- [Bismarck Tribune](#)
- Load restrictions lifted on ND Hwy 200 from MT border to Hwy. 58 -- [ND DOT](#)
- ND PSC addresses construction of natural gas liquid pipeline -- [KFYR-TV](#)
- North Dakota Senate committee approves increased research funding -- [Fargo Forum](#)
- North Dakota Senate passes amended bill for civil asset forfeiture reform -- [Bismarck Tribune](#)
- Williston airport to take off in the fall; ahead of construction schedule -- [Prairie Business Journal](#)
- ND House reverses course, approves higher education board expansion -- [Fargo Forum](#)
- Bakken exploration now expanding into North Dakota grasslands area -- [NGI's Shale Daily](#)
- U.S. top global oil producer: Economic and educational cost of Bakken oil -- [Dickinson Press](#)
- Ward County Commission closes meeting: Discuss prosecution bill, lawsuit -- [Minot Daily News](#)
- Senate rolls back on Social Security tax break; tax relief to low income seniors -- [KFYR-TV](#)
- Driver's license fee boost dies as ND House fails to override Burgum's veto -- [Fargo Forum](#)
- Releases through Garrison Dam reduced due to downstream flooding -- [Minot Daily News](#)
- Bringing job seekers and employers together in McKenzie County -- [McKenzie County Farmer](#)
- Dickinson Area Chamber Director Sarah Trustem announces resignation -- [Dickinson Chamber](#)
- Site near Bowman hosts significant paleontological dinosaur site -- [The New Yorker](#)
- Bowman Mayor Lyn James inspires perseverance, shares cancer survival story -- [Bowman Extra](#)

Factoid of the Week



Cost of production can determine whether or not abundant oil reserves have value. In Saudi Arabia, cost of production is roughly \$3.00 a barrel. Venezuela production cost is nearly \$8.00. Geology is the culprit since its oil is difficult to extract. In Brazil and the U.S., obstacles are self-imposed with higher taxes on oil production



Upcoming Events

April 9

[Williston School Bond Election](#)
Williston Area Recreation Center

April 11

[2019 Annual Spring Multi-Industry Job Fair](#)
Minot

April 11

[Credit and Hedging Strategies for Mineral Owners and Funds](#)
Online Webinar

April 23-24

[Petroleum Law Short Course - Basic Oil and Gas Law for Non-Lawyers](#)
Williston

April 24 - 25

[Lignite Energy Council Annual Meeting](#)
Bismarck

April 30 - Stanley; May 1 - Grand Forks; May 2 - Jamestown

[NDLTAP Glue for Gravel Roads Workshop](#)

April 30-May 1 and May 2-3

[NDPC 2-Day Emerging Leader Program](#)
Bismarck

May 27 - 29

[2019 Williston Basin Petroleum Conference](#)
Regina

June 17 - 20

[Energy of North Dakota Teacher Seminar](#)
Bismarck

July 16-17

[Bakken Conference & Expo](#)
Bismarck

July 16

[Bakken Rocks Cookfest](#)
Bowman

July 17

[Bakken Classic Fishing Derby](#)
New Town

July 18

Bakken Rocks Cookfest
Van Hook

Oil prices and rig count

April 5, 2019

WTI Crude: \$63.08
Brent Crude: \$70.34
Natural Gas: \$2.66

North Dakota Active Rigs: 62 (down 5) 4/05/2018 -- 58 rigs

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<http://ndenergy.org>

Western Dakota Energy Association | 1661 Capitol Way, Bismarck, ND 58501

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Constituent Services

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Subject: Legislative Report No. 16

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— North Dakota Water Users — April 5, 2019 No. 16

Legislative Report

Hearing Schedule (April 8 – April 12).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

I. This Week at the Legislature

HB 1173 Appeals to Local Government Cost

Passed on the House floor with a vote of 90-1 on Thursday, January 17.

Failed on the Senate floor with a vote of 2-45 on Tuesday, April 2.

This bill would have reduced the cost of appeals to local government. The bill was found to be unnecessary and that was the primary reason it failed.

HB 1207 Reasonable Costs Awarded to Eminent Domain Defendant

Passed on the House floor with a vote of 80-13 on Tuesday, February 19.

Failed on the Senate floor with a vote of 6-41 on Wednesday, April 3.

This bill would have awarded attorney's fees to defendants that prevail in eminent domain cases if the award for compensation and damages is less than the written offer of settlement submitted by the condemning authority at least 60 days before trial or if the taking is deemed not for a public use or unlawful. Landowner rights were a major concern with this bill.

HB 1356 Bids, Plans and Specifications for Public Improvements and Bond Thresholds

Passed on the House floor with a vote of 54-37 on Wednesday, February 20.

Passed on the Senate floor with a vote of 39-6 on Monday, March 25.

Assigned to Conference Committee: Reps. Pyle, Johnson, M., Fegley and Sens. Lee, J., Burckhard, Dotzenrod

This bill requires that the state and its political subdivisions may not engage in the construction of public works involving the practice of professional engineering when the contemplated expenditure for the project exceeds the sum of two hundred fifty thousand dollars, unless the engineering drawings and specifications and estimates have been prepared by, and the construction administration and construction observation services are executed under the supervision of, a registered professional engineer.

HB 1362 Railroad Right of Way Utility Applications

Passed on the House floor with a vote of 83-8 on Wednesday, February 20.

Passed on the Senate floor with a vote of 46-0 on Thursday, March 21.

Returned to House on Friday March 22, 2019.

Passed on the House floor with a vote of 79-8 on Monday, April 1.

This bill allows a utility to cross over or under the railroad right of way for the placement of facilities.

SB 2020 Appropriation for Defraying the Expenses of the State Water Commission

Passed on the Senate floor with a vote of 44-1 on Friday, February 15.

Extensively discussed in subcommittee.

This is the appropriations bill for the State Water Commission. Late Friday, the subcommittee amended and agreed to forward to the full Appropriations committee SB 2020. The amended version:

- Increases capital assets by \$33M to provide additional funding for state-owned projects NAWS and SWWA
- Increases water supply grants by \$13M for municipal water supply projects to \$128M
- Increases rural water supply grants by \$7.2M to \$37.2M
- Expands the flood control grants line item to specifically identify funding to FM Diversion, Mouse River flood control, and other flood control projects
- Continues the earmark of \$66.5M for the FM Diversion flood control project, which continues the \$703M commitment the state has made to the project, and stipulates that the project must mitigate any downstream impacts

- Carries forward the \$193M legislative intent for Mouse River Flood Control with \$57.7M in the current biennium and \$135.3M for the next three biennia
- Identifies \$48M in funding for flood control projects other than Fargo area flood control
- Reduces the Senate's legislative intent of \$50M for Red River Water Supply to \$30M and drops the state cost share from 80-20% to 60-40%
- Identifies \$27M in funding for general water projects
- Provides one-time funding of \$25M to pay off outstanding debt of the State Water Commission
- Includes an emergency clause

The \$593,320,273 appropriated to the State Water Commission for salaries and wages, operating expenses, capital assets, water supply, rural water supply, Mouse River flood control, flood control projects other than Fargo area flood control including the FM Diversion and general water is conditioned on the funds not being expended of Fargo area flood control projects, including the FM Diversion. The bill will be revisited in full committee on Monday with more possible amendments.

SB 2044 Damaging Critical Infrastructure Penalty

Passed on the Senate floor with a vote of 42-3 on Friday, February 15.

Passed on the House floor with a vote of 76-14 on Monday, March 25.

This bill provides penalties for tampering with critical infrastructure and defines what a critical infrastructure facility is.

SB 2090 Permits for the Appropriation of Water

Passed on the Senate floor with a vote of 42-2 on Monday, February 4.

Passed on the House floor with a vote of 78-7 on Friday, March 22.

Assigned to Conference Committee: Sens. Kreun, Unruh, Piepkorn and Reps. Zubke, Bosch, Ruby, M.

This bill exempts reuse of fossil byproduct water from requiring a water permit, clarifies that a legal interest in the point of diversion or place of use for irrigation water is required, and puts into statute the long-standing practice of having a 30-day comment period on water permit applications. It also increases the costs. All new water permit applications increased from \$200 to \$500, industrial permits are now \$1,000, and amendments are raised to \$100. The \$250 under 2,500 population break will also go away.

SB 2342 Noise Restrictions on Watercraft

Passed on the Senate floor with a vote of 37-9 on Friday, February 8.

Passed on the House floor with a vote of 60-25 on Friday, March 22.

Assigned to Conference Committee: Sens. Cook, Roers, J., Piepkorn and Reps. Heinert, Bosch, Lefor

This bill sets noise restrictions of 88 decibels for no more than 10 minutes on the operation of watercraft during the hours of 12am-5am.

SB 2358 Definition of a Watercourse

Passed on the Senate floor with a vote of 44-1 on Friday, February 15.

Passed on the House floor with a vote of 89-2 on Thursday, March 28.

Assigned to Conference Committee: Sens. Kreun, Unruh, Piepkorn and Reps. Anderson, D., Zubke, Damschen

This bill would add a creek, river, or stream appearing in a USGI topographical map to the definition of a watercourse.

SB 2362 Oil and Gas Extraction Tax Revenues

Passed the Senate floor with a vote of 44-3 on Monday, April 1.

Passed the House floor with a vote of 85-0 on Friday, April 5.

This bill would address the interpretation issues of how oil and gas extraction tax revenues generated on the Fort Berthold Indian Reservation are deposited into the Resources Trust Fund, the Common Schools Trust Fund and the Foundation Aid Stabilization Fund. The correction will deposit an additional \$46 million into the RTF. The bill stipulates that 20.5% of all the extraction tax collected in the state would be transferred to the Resources Trust Fund upon passage of the bill, which has an emergency clause, until \$128M is restored to the Resources Trust Fund, when the allocation will return to 20%.

II. 2019 Legislative Deadlines and Dates

May 2 Session is limited to 80 legislative days

III. HEARING SCHEDULE: April 8 - April 12, 2019

Date and Time	Bill Number	Short Title	Committee	Room
04/09/2019 4:00 PM	HB 1521	Relating to reporting campaign contributions and expenditures, restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota.	Ethics	Pioneer
04/10/2019 2:30 PM	SB 2148	Relating to disclosures of expenditures, restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota.	Ethics	Pioneer
04/11/2019 4:00 PM	HB 1521	Relating to reporting campaign contributions and expenditures, restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota.	Ethics	Pioneer

IV. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
HB 1066	"Project Prairie Dog"	PASSED	PASSED
HB 1085	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
HB 1087	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
HB 1136	Bid Requirements for Public Improvements	PASSED	PASSED
HB 1173	Appeals to Local Government Cost	PASSED	FAILED
HB 1192	Ordinary High-Water Marks	PASSED	PASSED
HB 1207	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	FAILED
HB 1302	Sale of Property Acquired by Eminent Domain	PASSED	FAILED
HB 1320	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
HB 1356	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	PASSED
HB 1362	Railroad Right of Way Utility Applications	PASSED	PASSED
HB 1431	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	FAILED
HB 1521	Reporting Campaign Contributions	PASSED	
SB 2020	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
SB 2044	Damaging Critical Infrastructure Penalty	PASSED	PASSED
SB 2090	Permits for the Appropriation of Water	PASSED	PASSED
SB 2091	Floodplain Management Community Standards	PASSED	PASSED
SB 2139	Snagging and Clearing		PASSED
SB 2148	Measure 1 Lobbyist Bill		PASSED
SB 2213	SW Water Authority Permanent Mill Levy	FAILED	PASSED
SB 2275	Essential Infrastructure Revolving Loan Fund	FAILED	PASSED
SB 2293	Aquatic Nuisance Species Program Fund		PASSED
SB 2295	Limiting Creation of Irrigation Districts	PASSED	PASSED
SB 2342	Noise Restrictions on Watercraft	PASSED	PASSED
SB 2358	Definition of a Watercourse	PASSED	PASSED
SB 2362	Oil and Gas Extraction Tax Revenues	PASSED	PASSED
SCR 4009	Joint Water Resource Board Study	PASSED	PASSED

Haase, Reice J.

From: Haugen, Shelley K.
Sent: Monday, April 15, 2019 8:36 AM
To: -Grp-GO All Staff
Subject: FW: Legislative Report No. 17

Shelley Haugen
Constituent Services

701.328.2208 • skhaugen@nd.gov • www.governor.nd.gov

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From: ND Water Info <staff@ndwater.net>
Sent: Friday, April 12, 2019 4:19 PM
Subject: Legislative Report No. 17

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— North Dakota Water Users — April 12, 2019 No. 17

Legislative Report

Hearing Schedule (April 15 – April 19).

Lists of bills being tracked by the North Dakota Water Users Association are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

Conference committees have been active this week, and will dominate next week's schedule, while Appropriations Committees worked to move agency bills to the chamber floors. The conference committee schedule is [available](#), but meetings are often arranged with short notice.

The major water funding measure, Senate Bill 2020 passed the House this week. It will make nearly half a billion of new dollars available for grants and capital investments in critical water projects. With the revised revenue forecast and the correction oil tax money for water projects, the House was able to allocate \$123 million more than the Senate had available to consider.

I. This Week at the Legislature

HB 1356 Bids, Plans and Specifications for Public Improvements and Bond Thresholds

Passed on the House floor with a vote of 54-37 on Wednesday, February 20.

Passed on the Senate floor with a vote of 39-6 on Monday, March 25.

Assigned to Conference Committee: Reps. Pyle, Johnson, M., Fegley and Sens. Lee, J., Burckhard, Dotzenrod

Conference Committee met on Thursday, April 11.

This bill requires that the state and its political subdivisions may not engage in the construction of public works involving the practice of professional engineering when the contemplated expenditure for the project exceeds the sum of two hundred fifty thousand dollars, unless the engineering drawings and specifications and estimates have been prepared by, and the construction administration and construction observation services are executed under the supervision of, a registered professional engineer.

SB 2020 Appropriation for Defraying the Expenses of the State Water Commission

Passed on the Senate floor with a vote of 44-1 on Friday, February 15.

Passed on the House floor with a vote of 84-8 on Friday, April 12.

Assigned to Conference Committee: Sens. Lee, G., Sorvaag, and Robinson

This is the appropriations bill for the State Water Commission.

Section 1: Appropriation

Salaries and Wages	\$19,831,986
Operating Expenses – Includes Devils Lake pumping station and paying off Bank of North Dakota loan	\$69,755,753
Capital Assets – Includes NAWS and SWWA	\$180,938,758
Project Carryover	\$308,333,818
Water Supply Grants – Includes WAWS, RRWS and full municipalities list	\$128,000,000
Rural Water Supply Grants – Includes 16 of 22 rural water supply projects	\$37,200,000
Fargo Area Flood Control – Line item earmark	\$66,500,000
Mouse River Flood Control	\$82,500,000
Flood Control Projects Other than Fargo – Includes Sheyenne River, Lower Heart, water conveyance, Bismarck and contingency	\$48,000,000
General Water Grants	\$27,093,776
Total:	\$968,154,091

Section 2: One-time Funding

Line of Credit for NAWS	\$75,000,000
Pay Off Outstanding Debt	\$25,900,000
Total:	\$100,900,000

Section 3 requires OMB to carryover unexpended funds for two years after June 30, 2021 if unused during the next biennium. **Section 4** states that if there is any added income during the biennium, it needs Budget Section approval before it is distributed.

Section 5, Section 6 and Section 7 put conditions on line items and carryover funds. They stipulate that no additional funds may be spent on flood control projects other than what was appropriated in Section 1. They also protect the bill from line item veto scenarios which could involve funds being shifted. The House committee intentionally drafted the language so a veto of any section that established conditions on funding, would veto the whole section, including the appropriated money.

Section 8 limits the use of funds allocated to the Fargo flood control to the costs of levees, dikes and land acquisition and not work related to the "Plan B" alternative until:

- The court injunction related to the diversion plan is modified to allow construction
- Federal funds are appropriated to the Plan B alternative
- The state engineer approves a mitigation plan and issues ND permits
- Minnesota appropriates funds for its construction

Section 9 sets the legislative intent for Fargo flood control at \$703 million.

Section 10 states that Fargo must mitigate downstream impacts for downstream communities for them to maintain FEMA certification.

Section 11 sets the legislative intent for Mouse River flood control at \$193 million.

Section 12 sets the legislative intent for RRVWSP for use of \$13 million of carryover funds.

Section 13 adjusts state cost share for RRVWSP at 60/40 state support ratio with no more than \$30 million to be provided this biennium. **Section 14** states criteria for Budget Section approval of RRVWSP.

Section 15 provides a line of credit of \$75,000,000 for NAWS biota treatment plant.

Section 16 is the emergency clause.

SB 2090 Permits for the Appropriation of Water

Passed on the Senate floor with a vote of 42-2 on Monday, February 4.

Passed on the House floor with a vote of 78-7 on Friday, March 22.

Assigned to Conference Committee: Sens. Kreun, Unruh, Piepkorn and Reps. Zubke, Bosch, Ruby, M.

Conference Committee met on Thursday, April 11.

Passed on the Senate floor with a vote of 45-2 on Friday, April 12.

This bill exempts reuse of fossil byproduct water from requiring a water permit, clarifies that a legal interest in the point of diversion or place of use for irrigation water is required, and puts into statute the long-standing practice of having a 30-day comment period on water permit applications. It also increases the costs. All new water permit applications increased from \$200 to \$500, industrial permits are now \$1,000, and amendments are raised to \$100. The \$250 under 2,500 population break would be dropped.

SB 2139 Snagging and Clearing

Passed on the Senate floor with a vote of 41-5 on Friday, February 1.

Passed on the House floor with a vote of 91-2 on Thursday, April 11.

This bill reinstates the ability of the State Water Commission to cost-share snagging and clearing operations in natural waterways.

SB 2293 Aquatic Nuisance Species Program Fund

Passed on the Senate floor with a vote of 45-2 on Monday, February 18.

Passed on the House floor with a vote of 71-20 on Friday, April 12.

This bill creates funding mechanisms to support ANS programs. This would be done through a \$15 fee on North Dakota boat license renewals and a \$15 annual fee for boats registered out of state.

SB 2342 Noise Restrictions on Watercraft

Passed on the Senate floor with a vote of 37-9 on Friday, February 8.

Passed on the House floor with a vote of 60-25 on Friday, March 22.

Assigned to Conference Committee: Sens. Kreun, Roers, J., Piepkorn and Reps. Heinert, Bosch, Lefor

Conference Committee met on Thursday, April 11.

This bill sets noise restrictions of 88 decibels for no more than 10 minutes on the operation of watercraft during the hours of 12am-5am.

SB 2358 Definition of a Watercourse

Passed on the Senate floor with a vote of 44-1 on Friday, February 15.

Passed on the House floor with a vote of 89-2 on Thursday, March 28.

Assigned to Conference Committee: Sens. Kreun, Unruh, Piepkorn and Reps. Anderson, D., Zubke, Damschen

Conference Committee met on Thursday, April 11 and Friday, April 12.

This bill would add a creek, river, or stream appearing in a USGS topographical map to the definition of a watercourse.

II. 2019 Legislative Deadlines and Dates

May 2 Session is limited to 80 legislative days

III. HEARING SCHEDULE: April 15 - April 19, 2019

Date and Time	Bill Number	Short Title	Committee	Room
04/15/2019 3:30 PM	<u>HB 1521</u>	Relating to reporting campaign contributions and expenditures, restrictions on public officials and lobbyists, investigations of ethics violations, and implementing	Ethics	Fort Lincoln

		requirements of article XIV of the Constitution of North Dakota.		
04/16/2019 9:30 AM	SB 2358	Relating to notice of proposed subsurface water management systems.	Conference Committee	Fort Lincoln
04/16/2019 3:30 PM	HB 1521	Relating to reporting campaign contributions and expenditures, restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota.	Ethics	Fort Lincoln
04/18/2019 3:30 PM	SB 2148	Relating to the prohibition on personal use of campaign contributions and the rulemaking procedures and requirements for the North Dakota ethics commission; to provide a penalty and appropriation.	Ethics	Brynhild Haugland

IV. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
HB 1066	"Project Prairie Dog"	PASSED	PASSED
HB 1085	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
HB 1087	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
HB 1136	Bid Requirements for Public Improvements	PASSED	PASSED
HB 1173	Appeals to Local Government Cost	PASSED	FAILED
HB 1192	Ordinary High-Water Marks	PASSED	PASSED
HB 1207	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	FAILED
HB 1302	Sale of Property Acquired by Eminent Domain	PASSED	FAILED
HB 1320	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
HB 1356	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	PASSED
HB 1362	Railroad Right of Way Utility Applications	PASSED	PASSED
HB 1431	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	FAILED
HB 1521	Reporting Campaign Contributions	PASSED	
SB 2020	Appropriation for Defraying the Expenses of the State Water Commission	PASSED	PASSED
SB 2044	Damaging Critical Infrastructure Penalty	PASSED	PASSED

<u>SB 2090</u>	Permits for the Appropriation of Water	PASSED	PASSED
<u>SB 2091</u>	Floodplain Management Community Standards	PASSED	PASSED
<u>SB 2139</u>	Snagging and Clearing	PASSED	PASSED
<u>SB 2148</u>	Measure 1 Lobbyist Bill		PASSED
<u>SB 2213</u>	SW Water Authority Permanent Mill Levy	FAILED	PASSED
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund	FAILED	PASSED
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund	PASSED	PASSED
<u>SB 2295</u>	Limiting Creation of Irrigation Districts	PASSED	PASSED
<u>SB 2342</u>	Noise Restrictions on Watercraft	PASSED	PASSED
<u>SB 2358</u>	Definition of a Watercourse	PASSED	PASSED
<u>SB 2362</u>	Oil and Gas Extraction Tax Revenues	PASSED	PASSED
<u>SCR 4009</u>	Joint Water Resource Board Study	PASSED	PASSED

Haugen, Shelley K.

From: Haugen, Shelley K.
Sent: Thursday, April 11, 2019 9:10 AM
To: herzfeld2@gmail.com
Subject: RE: Contact Inquiry from the Governors Website

Mr. Herzfeld-

Thank you for contacting the Office of Governor Burgum regarding SB 2044. This bill was signed into law on April 10, 2019,

Shelley Haugen
Constituent Services

701.328.2208 • skhaugen@nd.gov • www.governor.nd.gov



From: -Info-Governor's Office
Sent: Thursday, April 11, 2019 8:00 AM
To: -Info-Governor's Office <governor@nd.gov>
Subject: Contact Inquiry from the Governors Website

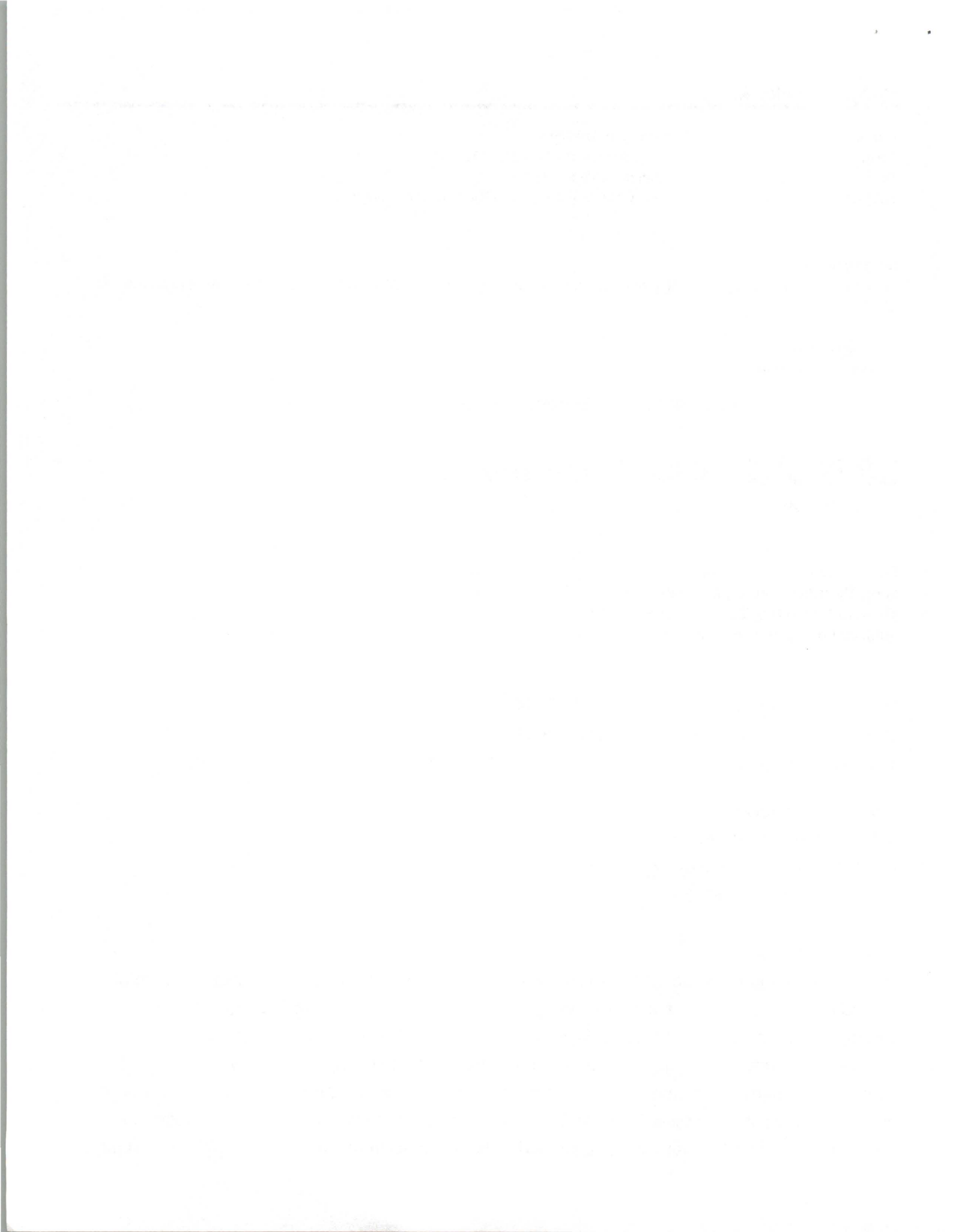
Submitted on Thursday, April 11, 2019 - 08:00
Submitted by anonymous user: 165.234.159.14
Submitted values are:

Name: Henry Herzfeld
Subject: Veto Senate Bill 2044
Email Address: herzfeld2@gmail.com
Phone Number: 2022639593
Comments:

Dear Gov. Burgum

I'm writing to you today about Senate Bill 2044, legislation that will punish association, violate freedom of assembly, and almost certainly stifle protected speech. The bill recently passed through both chambers and is on its way to your desk. I'm urging you to veto this bill.

Existing law already prohibits trespassing and malicious destruction of property and conspiracies to commit the same. Given that, this bill's focus on critical infrastructure facilities belies its neutral purpose -- as do its excessive fines. Additionally, Senate Bill 2044 will punish organizations found to be a conspirator with those individuals found to be in violation of the new prohibitions. Making an



organization criminally liable for all damage would impermissibly burden the rights of political association that are protected by the First Amendment -- the literal embodiment of guilt by association.

At best, this bill is entirely unnecessary. At worst, it is meant to chill speech. Please veto Senate Bill 2044.

Sincerely,

Henry Herzfeld

1432 5th Ave S

Fargo ND, 58103

The results of this submission may be viewed at:

<https://www.governor.nd.gov/node/67/submission/10480>

Phone Call from April 10, 2019

Veto 2044

Father Floberg is involved in the church in Standing Rock and feels this bill will be the biggest infringement on religious freedom he has ever seen - he has also put out the word to have others contact our office to have this bill vetoed

North Dakota Legislative Council

Legislative Bill Tracking - Sixty-sixth Assembly (2019) - View Bill Tracking

List: (Shared) L66-Bill Tracking

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 [Conference Committee Hearings](#) |
 [Bill Status](#) |
 [Bills Introduced Since 01/15/2019](#)
[Manage Mobile Devices](#)

Select All None	Bill	Status	Title	Description	Comment	Action
<input checked="" type="checkbox"/>	HB 1013	House: INTRODUCED	A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; and to provide for distributions from permanent funds.	BUDGET - University	KH	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	HB 1014	House: INTRODUCED	A BILL for an Act to provide for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer.	BUDGET - INDUSTRIAL COMMISSION	LH	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	HB 1021	House: INTRODUCED	A BILL for an Act to provide an appropriation for defraying the expenses of the information technology department; and to provide for transfers.	BUDGET - ITD	DJ	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	HB 1024	House: INTRODUCED	A BILL for an Act to provide an appropriation for defraying the expenses of the department of environmental quality.	BUDGET - DEQ	CV	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	HB 1028	House: PASSED	Relating to public employees retirement system self-	Employee Pay & Benefits	RL	Follow this Bill - RSS View

			insurance plans for health benefits coverage; to amend and reenact sections 26.1-07.1-01, 54-52.1-01, 54-52.1-04, 54-52.1-04.2, 54-52.1-04.3, 54-52.1-05, and 54-52.1-11 of the North Dakota Century Code, relating to public employee uniform group health benefits coverage; to repeal sections 54-52.1-04.4, 54-52.1-04.5, 54-52.1-04.6, 54-52.1-04.10, 54-52.1-04.11, 54-52.1-04.12, 54-52.1-04.13, and 54-52.1-04.14 of the North Dakota Century Code, relating to public employees retirement system self-insurance plans for health benefits coverage mandated health benefits; and to declare an emergency.			
<input checked="" type="checkbox"/>	HB 1057	House: INTRODUCED	A BILL for an Act to provide a statement of legislative intent regarding state employee compensation adjustments.	Employee Pay & Benefits	RL	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	HB 1066	House: INTRODUCED	Relating to infrastructure funds; to amend and reenact subsection 5 of section 57-51-01 and sections 57-51-15, 57-51.1-07.3, and 57-51.1-07.5 of the North Dakota Century Code, relating to oil and gas tax revenue allocations; to provide a continuing appropriation; to provide for a report; and to provide an effective date.	Oil and Gas Taxes	RL	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	HB 1077	House: INTRODUCED	Relating to the powers and duties of the state auditor.	Royalties	RL	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	HB 1086	House: INTRODUCED		Waters of the State	EM	

			Relating to waters of the state.			Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	HB 1117	House: INTRODUCED	Relating to publication of legal notices in a newspaper and on the newspaper's website.	Public Notices	KH	Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	HB 1145	House: INTRODUCED	Relating to limitations on the introduction of legislative bills prepared by executive branch agencies and the judicial branch.		KH	Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	HB 1186	House: INTRODUCED	Relating to oil and gas tax revenue hedging.	Oil and Gas Tax	KH	Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	HB 1191	House: INTRODUCED	Relating to the duty of the state auditor to report consecutive audit findings and the reduction of agency appropriations by the office of management and budget.		RL	Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	HB 1192	House: INTRODUCED	Relating to defining and delineating the ordinary high water mark of a navigable body of water; and to amend and reenact section 61-33-01 and subdivision e of subsection 3 of section 61-33.1-03 of the North Dakota Century Code, relating to the definition and determination of ordinary high water mark.	OHWM Language	LH	Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	HB 1217	House: INTRODUCED	Relating to competition between the government and private industry and to require a report to the legislative management.		MZ	Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	HB 1267	House: WITHDRAWN	Relating to employer's discriminatory practices and one day of rest; and to provide a penalty.		JB	Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	HB 1275	House: INTRODUCED			BH	Follow this Bill - RSS	View

			Relating to limitations on the adoption of administrative rules.			
<input checked="" type="checkbox"/>	HB 1282	House: INTRODUCED	Relating to limitations on public employer consideration of criminal background.		JB	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	HB 1306	House: INTRODUCED	Relating to membership of the board of university and school lands and the industrial commission; to provide an effective date; and to provide a contingent effective date.	Industrial Commission and Land Board	KH	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2001	Senate: INTRODUCED	A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; and to provide for a legislative management report.	BUDGET - GOVERNOR	KH	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2003	Senate: INTRODUCED	A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general.	BUDGET - ATTORNEY GENERAL	RL	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2008	Senate: INTRODUCED	A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; and to provide for a transfer.	BUDGET - PSC	TM	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2009	Senate: INTRODUCED	A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; and to provide for transfers.	BUDGET - Dept. of Ag	CV	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2015	Senate: INTRODUCED	A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management	BUDGET - OMB	RL	Follow this Bill - RSS View

			and budget; and to provide an exemption.			
<input checked="" type="checkbox"/>	SB 2016	Senate: INTRODUCED	A BILL for an Act to provide an appropriation for defraying the expenses of the office of the adjutant general; and to provide for a transfer.	BUDGET - Department of Emergency Services	MZ	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2018	Senate: INTRODUCED	A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society.	BUDGET - State Historical Society	EM	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2019	Senate: INTRODUCED	A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department.	BUDGET - Parks and Rec	EM	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2023	Senate: INTRODUCED	A BILL for an Act to provide an appropriation for defraying the expenses of the public employees retirement system; and to provide for transfers.	BUDGET - PERS	RL	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2024	Senate: INTRODUCED	A BILL for an Act to provide an appropriation for defraying the expenses of various state departments and institutions; and to declare an emergency.	BUDGET - VARIOUS/DEFICIENCY	RL	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2037	Senate: INTRODUCED	Relating to the disposal and storage of high-level radioactive waste and subsurface storage and retrieval of nonhydrocarbons; to amend and reenact sections 12.1-06.1-01 and 38-19-09 of the North Dakota Century Code, relating to the definition of illegal transportation or disposal of radioactive waste material or hazardous waste and disposition of unusable	Radioactive Waste	EM	Follow this Bill - RSS View

			products; to repeal chapter 23-20.2 of the North Dakota Century Code, relating to the disposal of nuclear waste material; and to provide a penalty.			
<input checked="" type="checkbox"/>	SB 2039	Senate: INTRODUCED	Relating to the development and implementation of a skilled workforce scholarship program; to provide a continuing appropriation; and to provide for a transfer.	Workforce	KH	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2044	Senate: INTRODUCED	Relating to tampering with or damaging a critical infrastructure facility or a public service; and to provide a penalty.	Tampering/Damaging Critical Infrastructure	TM	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2046	Senate: INTRODUCED	Relating to employer contributions to the public employees defined benefit plan, defined contribution plan, and retiree health plan and participation in the retiree health plan.	Employee Pay & Benefits	RL	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2047	Senate: INTRODUCED	Relating to the computation of retirement benefits.	Employee Pay & Benefits	RL	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2048	Senate: INTRODUCED	Relating to increased employer and employee contributions under the public employees retirement system defined benefit and defined contribution plans.	Employee Pay & Benefits	RL	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2049	Senate: INTRODUCED	Relating to the computation of final average salary for employees who terminate employment after December 31, 2021.	Employee Pay & Benefits	RL	Follow this Bill - RSS View
<input checked="" type="checkbox"/>	SB 2084	Senate: DEFEATED	Relating to required use of centralized desktop support services.	Centralized Desktop Support	DJ	Follow this Bill - RSS View

<input checked="" type="checkbox"/>	SB 2086	Senate: DEFEATED	Relating to agencies required to use centralized desktop support services.	Centralized Desktop Support	DJ	Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	SB 2104	Senate: INTRODUCED	Relating to the state's share of oil and gas taxes; and to provide an effective date.	Oil and Gas Taxes	RL	Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	SB 2107	Senate: PASSED	Relating to the certification of environmental laboratories; to repeal section 61-28.1-07 of the North Dakota Century Code, relating to certification of laboratories; and to provide an effective date.	Environmental Labs/Testing	CV	Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	SB 2110	Senate: INTRODUCED	Relating to cybersecurity.	Cybersecurity	DJ	Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	SB 2122	Senate: PASSED	Relating to an applicant paying the cost of publishing notice.	Public Notices	KH	Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	SB 2123	Senate: INTRODUCED	Relating to the authorization to enter contracts, abandoned oil and gas well plugging and site reclamation fund, and confiscation of equipment and recovery for costs of plugging and reclamation of sites with bonds held by the North Dakota industrial commission.	Reclamation	DT/BH	Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	SB 2128	Senate: INTRODUCED	A BILL for an Act to provide a statement of legislative intent regarding state employee compensation adjustments.	Employee Pay & Benefits	RL	Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	SB 2130	Senate: INTRODUCED	Relating to state agency fees.	State Agency Fees	KH	Follow this Bill - RSS	View
<input checked="" type="checkbox"/>	SB 2132	Senate: INTRODUCED	Relating to state contribution for the uniform group insurance program; to provide for application; to provide an effective date; and to declare an emergency.	Employee Pay & Benefits	RL	Follow this Bill - RSS	View

<input checked="" type="checkbox"/>	SB 2148	Senate: INTRODUCED	Relating to restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota; to amend and reenact sections 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, and 28-32-08, subsection 5 of section 28-32-08.1, sections 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, and 28-32-18.1, and subsections 2 and 4 of section 28-32-19 of the North Dakota Century Code, relating to rulemaking procedures and requirements for the North Dakota ethics commission; to provide for a legislative management study; to provide a penalty; and to provide an appropriation.	Ethics Commission	KH	Follow this Bill - RSS	View
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From: [Haugen, Shelley K.](#)
To: [-Grp-GO All Staff](#)
Subject: FW: Legislative Report No. 6
Date: Monday, January 28, 2019 9:11:16 AM
Attachments: [image001.emz](#)
[image003.png](#)
[image004.emz](#)
[image005.png](#)

Shelley Haugen
Constituent Services

701.328.2208 • skhaugen@nd.gov • www.governor.nd.gov



From: ND Water Info <staff@ndwater.net>
Sent: Friday, January 25, 2019 4:35 PM
Subject: Legislative Report No. 6

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

North Dakota Water Users

January 25, 2019 No.6

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It's Day 15, and bill introductions are complete, except for amendments to the constitution and study resolutions. Committees are busy with hearings and committee work to pass out nearly a thousand bills and resolutions, a 10-year high number of bills by the Crossover deadline.

Measure 1

Both the Senate and the House appointed special committees to consider implementing legislation for Measure 1/Ethics Commission as follows:

- House Ethics Committee: Rep. Kasper, Rep. Louser, Rep. D. Anderson, Rep. Headland, Rep. Heinert, Rep. K. Koppelman, Rep. Lefor, Rep. Rohr, Rep. D. Ruby, Rep. Steiner, Rep. Boschee, Rep. Mitskog, Rep. Mock
- Senate Special Committee on Ethics: Sen. Hogue, Sen. Unruh, Sen. Anderson, Sen. Dever, Sen.

Poolman, Sen. Oban, Sen. Mathern

Two bills have been introduced to date: [HB 1521](#) and [SB 2148](#).

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Hearing Schedule (January 28 – February 1).

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

I. This Week at the Legislature

[HB 1207](#) was heard before the House Judiciary Committee on Monday, January 21. This bill awards reasonable costs awarded to defendants in eminent domain cases. Jack Dwyer provided testimony in support of this measure.

[HB 1136](#) was heard before the House Industry, Business and Labor Committee on Tuesday, January 22. This bill allows a governing body to award a contract for each portion of the project the received bids and readvise for bids on the portion of the project that did not receive bids if a bid for general, electrical, or mechanical portions of a project are not received.

[HB 1184](#) was heard before the House Judiciary Committee on Tuesday, January 22. This bill eliminates the ability of state and local government authorities to from using quick take eminent domain or acquiring an easement for a right of way through the use of quick take eminent domain. Jack Dwyer provided testimony in opposition to this measure.

[HB 2275](#) was heard before the Senate Finance and Taxation Committee on Tuesday, January 22. This bill would create an infrastructure revolving loan fund at the Bank of North Dakota with the moneys in the legacy fund. Lance Gaebe provided testimony in support of this measure.

[HB 1449](#) was heard before the House Finance and Taxation Committee on Wednesday, January 23. This bill raises the oil extraction tax rate to 6.5%.

[SB 2020](#) was heard before the Senate Appropriations Committee on Thursday, January 24. This is the appropriations bill for the State Water Commission. This hearing was focused on the F-M Diversion and its funding request.

[HB 1192](#) was heard before the House Energy and Natural Resources Committee on Thursday, January 24. This bill defines adds a definition of ordinary high water mark to N.D.C.C. ch. 61-33.1 and adds a section requiring the State Engineer maintain ordinary high water mark delineation guidelines as provided.

HB 1428 was heard before the House Energy and Natural Resources Committee on Thursday, January 24. This bill forms a Missouri River council to conduct acquisitions and manage the Missouri River shoreline.

SB 2220 was heard before the Senate Agriculture Committee on Thursday, January 24. This bill allows WRD to charge actual costs associated with permits and allows a WRD board to review completed applications up to 45 after receipt. Jack Dwyer provided testimony in support of this measure.

HB 1440 was heard before the House Energy and Natural Resources Committee on Thursday, January 24. This bill removes the water quality test requirement from protections for groundwater against mineral developers and requires developers to collect soil samples and inventory water wells.

SB 2213 was heard before the Senate Political Subdivisions Committee on Thursday, January 24. This bill removes the sunset clause for the Southwest Water Authority mill levy. Jack Dwyer provided testimony in support of this measure.

HB 1314 was heard before the House Political Subdivisions Committee on Thursday, January 24. This bill adjusts the compensation of WRD board members to be consistent with the state legislature and state officers.

SB 2139 was heard before the Senate Political Subdivisions Committee on Thursday, January 24. This bill reinstates the ability of the State Water Commission to cost-share snagging and clearing operations. Jack Dwyer provided testimony in support of this measure.

SB 2293 was heard before the Senate Energy and Natural Resources Committee on Friday, January 25. This bill creates funding mechanisms to support ANS programs. Lance Gaebe coordinated testimony and Mary Massad spoke in support of this measure on behalf of Water Users.

SB 2295 was heard before the Senate Energy and Natural Resources Committee on Friday, January 25. This bill limits the creation of irrigation districts, adds permit requirements for drainage projects and ensures drainage benefits provided by an irrigation district do not impact the authority of a water resource board.

II. 2019 Water Day

Mark your calendars for Water Day on February 12! The North Dakota Water Coalition and the North Dakota Rural Water Systems Association are hosting a breakfast and a social for all North Dakota legislators **Tuesday, February 12** from **8:00 a.m. – 9:00 a.m.** in the **Brynhild Haugland room** at the capitol and **5:00 p.m. – 6:00 p.m.** at the **Ramkota Hotel** in conjunction with Water

Day at the Legislature. We urge you to take this opportunity to help us host and to discuss our water needs with our legislators.

III. 2019 Legislative Deadlines and Dates

February 12	Rural Water/North Dakota Water Coalition Legislative Social
February 22	Crossover for bills
February 25-26	Recess
March 6	Crossover for resolutions
April 23	Session is limited to 80 legislative days

IV. HEARING SCHEDULE: January 28 - February 1, 2019

Date and Time	Bill Number	Short Title	Committee	Room
01/29/2019 3:30 PM	<u>HB 1302</u>	Relating to the sale of property acquired by eminent domain or acquired when the property was eligible for taking by eminent domain, but no longer needed for a public purpose; and to amend and reenact section 24-01-28 of the North Dakota Century Code, relating to vacating property acquired through eminent domain for highways.	House Judiciary	Prairie
01/30/2019 2:00 PM	<u>SB 2148</u>	Relating to restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota; to amend and reenact sections 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, and 28-32-08, subsection 5 of section 28-32-08.1, sections 28-32-08.2,	Ethics	Pioneer

		28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, and 28-32-18.1, and subsections 2 and 4 of section 28-32-19 of the North Dakota Century Code, relating to rulemaking procedures and requirements for the North Dakota ethics commission; to provide for a legislative management study; to provide a penalty; and to provide an appropriation.		
01/31/2019 8:30 AM	<u>HB 1362</u>	Relating to the right of utilities to cross over or under a railroad right of way; and to provide for application.	House Political Subdivisions	Prairie
01/31/2019 10:00 AM	<u>SB 2238</u>	Relating to powers of the board of county commissioners; and to amend and reenact section 32-15-01 of the North Dakota Century Code, relating to limitations on eminent domain authority.	Senate Agriculture	Roosevelt Park
02/01/2019 9:00 AM	<u>HB 1320</u>	Relating to Red River valley water supply project contract terms and elimination of voter approval requirements.	House Energy and Natural Resources	Coteau A
02/01/2019 9:00 AM	<u>HB 1514</u>	Relating to an exemption from permitting requirements for subsurface water management systems; and to repeal section 61-32-03.1 of the North Dakota Century Code, relating to permitting subsurface water management systems.	House Agriculture	Peace Garden

V. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1066</u>	"Prairie Dog Bill"		
<u>HB 1085</u>	Drought Disaster Livestock Water Assistance Program	PASSED	
<u>HB 1086</u>	Waters of the State		
<u>HB 1087</u>	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	
<u>HB 1136</u>	Bid Requirements for Public Improvements		
<u>HB 1173</u>	Appeals to Local Government Cost	PASSED	
<u>HB 1184</u>	Eliminating Quick Take Eminent Domain		
<u>HB 1192</u>	Ordinary High Water Marks		
<u>HB 1207</u>	Reasonable Costs Awarded to Eminent Domain Defendant		
<u>HB 1243</u>	Recording of Easements		
<u>HB 1299</u>	Duration of Pipeline Easements		
<u>HB 1302</u>	Sale of Property Acquired by Eminent Domain		
<u>HB 1314</u>	Compensation and Reimbursement of WRD Board Members		
<u>HB 1320</u>	RRVWSP Contract Terms and Elimination of Voter Approval Requirements		
<u>HB 1356</u>	Bids, Plans and Specifications for Public Improvements and Bond Thresholds		
<u>HB 1362</u>	Railroad Right of Way Utility Applications		
<u>HB 1428</u>	Acquisition and Management of the Missouri River Shoreline		
<u>HB 1431</u>	Removal of Mandan from SW Water Authority's Mill Levy		
<u>HB 1440</u>	Protection of Groundwater		
<u>HB 1449</u>	Oil Extraction Tax Rate		
<u>HB 1514</u>	Eliminates Tile Permitting Process		
<u>SB 2020</u>	Appropriation for Defraying the Expenses of the State Water Commission		
<u>SB 2044</u>	Damaging Critical Infrastructure Penalty		
<u>SB 2090</u>	Permits for the Appropriation of Water		
<u>SB 2091</u>	Floodplain Management Community Standards		PASSED
<u>SB 2139</u>	Snagging and Clearing		

<u>SB 2148</u>	Measure 1 Lobbyist Bill		
<u>SB 2166</u>	Increased Liability Limits for Political Subdivisions		
<u>SB 2174</u>	WRD Board Member Elections, Appointments and Terms		
<u>SB 2213</u>	SW Water Authority Permanent Mill Levy		
<u>SB 2220</u>	WRD Tile Permits		
<u>SB 2238</u>	Eminent Domain Power of County Commissioners		
<u>SB 2259</u>	Valuation of Property		
<u>SB 2275</u>	Essential Infrastructure Revolving Loan Fund		
<u>SB 2293</u>	Aquatic Nuisance Species Program Fund		
<u>SB 2295</u>	Limiting Creation of Irrigation Districts		
<u>SCR 4005</u>	Low-Interest Revolving Loan Fund		

